

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Sherwood Road, *
150' N of Overbrook Road * ZONING COMMISSIONER
(6401 Sherwood Road) *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Case No. 95-390-XA
Thomas E. Sausser *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6401 Sherwood Road, located in the vicinity of Walker Avenue in Idlewilde. The Petitions were filed by the owner of the property, Thomas E. Sausser, through his attorney, David K. Gildea, Esquire. The Petitioner seeks a special exception to utilize the subject property as a Class B Group Day Care Center for approximately 40 children of various ages, and a finding that the subject property is exempt from the RTA requirements set forth in Section 1B01.1.B.1.g.10(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception request, the Petitioner seeks variance relief from the B.C.Z.R. as follows: From Section 424.7.A to permit a minimum lot area of 0.34 acres in lieu of the minimum required 1.0 acre; from Section 424.7.B to permit a side yard setback of 8.5 feet and a rear yard setback of 45 feet with a vegetative buffer of 6 feet for both in lieu of the required 50-foot setback and 20-foot vegetative buffer; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 424.1.B to permit the required fence to be located on the property line in lieu of the required 20-foot distance. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing on behalf of the Petitions were Thomas Sausser, property owner, Ann Horney, operator of the proposed Day Care Center, Jeff Morgan, Registered Architect with Morgan Design Group, Fred Thompson, Professional Engineer who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were numerous residents of the surrounding communities, most of whom reside in Idlewilde; however, many of the residents were from the adjacent communities of Stoneleigh and Anneslie, all of whom signed the Citizen Sign-In Sheet. The Protestants were collectively represented by Dorothy Biser, Esquire.

Testimony and evidence offered revealed that the subject property consists of 0.34 acres, zoned D.R. 5.5, and is improved with a one-story rancher and a detached garage. The property is located on the east side of Sherwood Road, between Arran Road and Overbrook Road in Idlewilde. Mr. Sausser testified that he has resided on the property since April 1992, however, is now desirous of converting the property for use as a Group Child Day Care Center. He described the neighborhood and commented that, although generally residential in character, there are some commercial business uses nearby. Mr. Sausser testified that there is a nursing home at the corner of Sherwood Road and Regester Avenue, and that there are also other business uses, such as a video store, pizza shop, and deli/liquor store in the vicinity. Mr. Sausser also testified that a barber shop is located immediately across the street in part of a dwelling. Presently, Mr. Sausser resides on the property; however, if the special exception is granted, he intends to move from the site and the property will then cease to be used for dwelling purposes.

Of particular note is the fact that Mr. Sausser originally owned

a larger lot than what is presently shown on the site plan. Testimony revealed that after he purchased the property in 1992, Mr. Sausser conveyed a parcel of land from the rear portion of the site, 100 feet in width by 45 feet in depth, to the adjoining property owners, Mr. & Mrs. Marc D. Lane, thus reducing the size of the lot to the present 0.34 acres.

Also testifying on behalf of the Petitioner was Jeffrey B. Morgan, Registered Architect, who testified as to the proposed renovations to the interior of the dwelling to convert same for use as a child day care center. He testified that there would be no external renovations to the site, but for additional landscaping which will include a row of evergreens along the northern property line to buffer the use from adjoining residential properties, and a new paved parking area. Mr. Morgan noted that the new parking area will provide five parking spaces and one handicapped space as shown on the plan. In addition, the entrance to the dwelling will be reoriented to provide primary access through the side entrance immediately adjacent to the parking area. Mr. Morgan stated that the existing structure is large enough from a square footage standpoint to meet all State requirements relating to day care centers, and also meets the necessary plumbing and electrical codes, etc.

Testimony was next offered by Ann Horney, who will operate the proposed child care center. Ms. Horney has a B.S. degree in early childhood development and elementary education. Ms. Horney testified that the proposed center will provide day care services for up to 38 children, aged 2 to 5 years. She testified the hours of operation will be Monday through Friday, from 7:00 AM to 6:00 PM and that there will be no weekend hours. Further testimony indicated that child care classrooms will be divided into three age groups: 2 to early 3 year olds, late 3 year olds to early

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10/3/95
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to support a day care operation.

Also testifying in opposition to the relief sought was Chirantan Mukhopadhyay. Mr. Mukhopadhyay testified that the use proposed would adversely affect the character of the surrounding community. He believes that the subject property is too small to accommodate the number of cars that will visit the site and is fearful of the effects that an absentee owner will have on this property.

Ms. Beth Andresini also testified in opposition to the use proposed, as did Maria Carpenter, Laurie Lane, Robin Woolford, and Stacey Nickerson, Pastor of the Idlewilde United Methodist Church. All expressed the same concerns as to traffic and impact on the surrounding neighborhood. In addition, Pastor Nickerson testified that the church provides day care services for up to 15 children on the premises. She stated that based on the volume of traffic the church experiences for the 15 children in its day care program, more than doubling that traffic for the 38 children proposed at the subject site would make traffic in the area much worse.

Mr. Robert Candler, who resides adjacent to the property, fears a change in character for the neighborhood, and is concerned about security, since no one will be present at the site on weekends. Messrs. Roy Dorfner and Marjan Kolobielski both corroborated Mr. Candler's testimony.

In order for a special exception to be granted, the Petitioner must show that the proposed use meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse

impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981). In the opinion of this Zoning Commissioner, the property is simply too small to accommodate the proposed use. Moreover, the location of this property and the unique character of surrounding uses are compelling factors which warrant a denial of the special exception. It is of particular note that Mr. Sausser, to a certain extent, aggravated these conditions when he sold the rear portion of his lot and made the property even smaller. The property in its present configuration simply cannot support the use proposed. Parking on the property is a particular concern. It can be envisioned that each child will be brought to the site by a parent on his or her way to work. Thus, 38 trips to the site can be anticipated during peak morning rush hours. This coupled with the narrowness of the streets in this community as well as existing traffic would overwhelm the residential character of this neighborhood. Furthermore, the traffic and parking issue when combined with the small area of this lot are compelling reasons upon which I must conclude that the requirements of Section 502.1 of the B.C.Z.R. cannot be satisfied.

Having denied the special exception request, consideration of the variance relief is moot. However, even if the special exception relief were granted, the variances would be denied. Again, the compelling factor in this respect is that the lot is only 0.34 acres in size nestled among residential properties. The inherent impacts of a day care center, e.g., noise, traffic, etc., are made worse on the surrounding properties due to the small size of this lot. The lot is simply too small to handle such an intense use, given its location in a residential community. The small setbacks proposed are simply not large enough to buffer the property due


16/3/95
[Signature]

to the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied and the Petition for Variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of October, 1995 that the Petition for Special Exception to utilize the subject property as a Class B Group Day Care Center for approximately 40 children of various ages, in accordance with Petitioner's Exhibit 1, and a finding that the property is exempt from the RTA requirements set forth in Section 1B01.1.B.1.g.10(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 424.7.A to permit a minimum lot area of 0.34 acres in lieu of the minimum required 1.0 acre; from Section 424.7.B to permit a side yard setback of 8.5 feet with a vegetative buffer of 6 feet on one side only, and a rear yard setback of 45 feet with a 6-foot vegetative buffer in lieu of the required 50-foot setback and 20-foot vegetative buffer required for each; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 424.1.B to permit a fence to be located on the property line in lieu of the required 20-foot distance for a proposed Class B Group Child Day Care Center, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 3, 1995

(410) 887-4386

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Sherwood Road, 150' N of Overbrook Road
(6401 Sherwood Road)
9th Election District - 4th Councilmanic District
Thomas E. Sausser - Petitioner
Case No. 95-390-XA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petition for Variance dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas E. Sausser
6401 Sherwood Road, Baltimore, Md. 21239

Dorothy P. Biser, Esquire
1100 Overbrook Road, Baltimore, Md. 21239-1538

Mr. John Keenan, President, Idlewilde Community Assoc.
1129 Overbrook Road, Baltimore, Md. 21239

People's Counsel; Case File

MICROFILMED





Petition for Special Exception

95-390-XA

to the Zoning Commissioner of Baltimore County

for the property located at 6401 Sherwood Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Group Day Care Center (Class B principal use) for approximately 40 children of various age groups.

And a finding that the property is exempt from the RTA requirements under Sec. 1B01.1.B.1.g (10a).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

Thomas Sausser

(Type or Print Name)

Signature

6401 Sherwood Road

Address

Baltimore, Maryland 21239

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Thomas E. Sausser

(Type or Print Name)

Signature

(Type or Print Name)

Signature

6401 Sherwood Road

Address

Phone No

Baltimore, Maryland 21239

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Thomas E. Sausser

Name

821-3576w

Same

337-8029h

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

27 April 95

385



Petition for Variance

95-390-XA

to the Zoning Commissioner of Baltimore County

for the property located at

6401 Sherwood Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment "A"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Thomas Sausser

(Type or Print Name)

Thomas Sausser

Signature

6401 Sherwood Road

Address

Baltimore, Maryland 21239

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Thomas E. Sausser

(Type or Print Name)

Thomas E. Sausser

Signature

(Type or Print Name)

6401 Sherwood Road

Address

Phone No.

Baltimore, Maryland 21239

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Thomas E. Sausser

Name

Same

337-8029

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Printed with Soybean Ink
on Recycled Paper



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Date 10/3/95
By [Signature]

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101 832-2066

DAVID K. GILDEA
ATTORNEY AT LAW

WHITEFORD, TAYLOR & PRESTON L.L.P.
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

Just Advertise The highlighted

Attachment "A" 6401 Sherwood Road

424.7-A (Bill No. 200-1990) Minimum Lot Area (To allow a lot area of 0.34 acres (15,000 sf) in lieu of the required 1.0 acres.)

1) The lot area can not be increased and is consistent with other Day Care Centers in the County. 2) Strict compliance would render the property useless as a Day Care Center. 3) Approval would not adversely effect other property owners or the use of this property as other requirements such as parking, drop-off, outdoor play area and indoor space requirements could be met.

424.7-B (Bill No. 200-1990) Minimum Side and Rear Setback Requirements and 20 ft. perimeter vegetative buffer. (To allow a side yard setback of 8.5 ft with 6 ft vegetative buffer (one side only) in lieu of the required 50 ft with 20 ft vegetative buffer and to allow a 45 ft rear yard setback with 6 ft vegetative buffer in lieu of the required 50 ft setback with 20 ft vegetative buffer.)

1) The proposed Day Care Center utilizes and existing building with current setbacks of approximately 45 ft in the rear and 9 ft at one side, all other setbacks are met. These conditions are existing and are virtually impossible to change. The intent of the buffer could be met with a tall narrow hedge and fence along the property line.

424.7-E (Bill No. 200-1990) Maximum Impervious Surface Area (25% of Gross Area. (To allow a impervious surface area of 40% in lieu of the allowed 25%))

1) The proposed building already exist. Current impervious surface is 39%. Proposed improvements would increase it by 1% to 40%. It would be impossible to meet the parking requirements and provide adequate sidewalks otherwise. The existing paved area for play could be removed and seeded of required, however this paved area would be nice for certain types of play activities.

424.1-B (Bills No. 47-1985, 26-1988, 200-1990) Fence no closer to the property line than 20 ft. (To allow the required fence to be located on the property line in lieu of the required 20 ft distance.)

1) Because of the lot size and in order to provide adequate parking and outdoor play area it would be impractical to locate the fence 20 ft from the property line. It would need to be located on the property line. Furthermore, a 20 ft space would create an unsupervised or concealed alley which is not recommended.

ORDER RECEIVED FOR FILING
Date 10/3/95
By [Signature]

385

95-390-XA

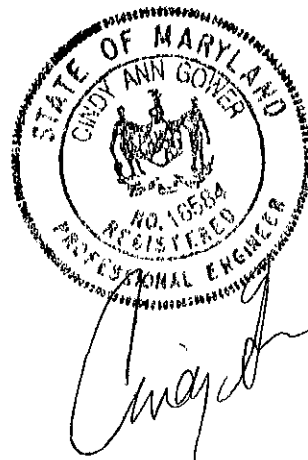
DESCRIPTION OF PROPERTY
FOR ZONING VARIANCE AND
6401 SHERWOOD ROAD
LPJ PROJECT NO. 1-95015

BEGINNING AT A POINT ON THE EAST SIDE OF SHERWOOD ROAD (FORMERLY CALLED REGISTER AVENUE) A DISTANCE OF 150 FEET NORTHERLY FROM THE INTERSECTION FORMED BY THE EAST SIDE OF SHERWOOD ROAD AND THE NORTH SIDE OF OVERBROOK ROAD (FORMERLY CALLED WAKEFORD ROAD) AND, THENCE, RUNNING NORTHERLY ALONG THE EAST SIDE OF SHERWOOD ROAD NORTH $7^{\circ} 11' 40''$ WEST, 100.00 FEET. THENCE, LEAVING SAID ROAD AND RUNNING THE FOLLOWING THREE COURSES AND DISTANCES:

- (1) NORTH $82^{\circ} 48' 20''$ EAST, 150.00 FEET;
- (2) SOUTH $7^{\circ} 11' 40''$ EAST, 100.00 FEET;
- (3) SOUTH $82^{\circ} 48' 20''$ WEST, 150.00 FEET;

TO THE POINT OF BEGINNING. BEING A PART OF THAT LAND WHICH BY DEED, DATED APRIL 28, 1992, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER 9164, PAGE 200, WAS GRANTED AND CONVEYED BY PIETRO RUGOLO AND BEATRICE A. RUGOLO, HIS WIFE, TO THOMAS SAUSSER.

SAID PARCEL CONTAINING 15,000 SQUARE FEET OR 0.34 ACRES OF LAND MORE OR LESS. ALSO KNOWN AS 6401 SHERWOOD ROAD AND LOCATED IN THE 9TH ELECTION DISTRICT.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-390-X12

District 9th

Date of Posting 5/12/95

Posted for: Special Exception & Variances

Petitioner: Thomas F. Sasser

Location of property: 6401 Shorewood Rd, E/F

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Steady

Signature

Date of return: 5/19/95

Number of Signs: 7



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-390-XA
(Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150'
N of Overbrook
9th Election District

4th Councilmanic
Legal Owner(s):
Thomas E. Sausser
Contract Purchaser:
Thomas Sausser
Hearing: Tuesday,
June 6, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements. Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 26%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.

5/116 May 11.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 12 19 *95*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *May 11*, 19 *95*.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Publication~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-390-XA

Account: R-001-6150

Number

385

Date 27 Apr: 195

Thomas SAUSSER - 6401 Sherwood Rd

d/239

CAN

020 - 250.00

050 - 300.00

080 - 70.00

630.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

MICROFILMED

Stella
has first
Receipt

385

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 385

Petitioner: Thomas Sausser

Location: 6401 Sherwood Rd. Baltimore MD 21239

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Thomas Sausser

ADDRESS: 6401 Sherwood Rd.

Baltimore MD 21239

PHONE NUMBER: 410 377 8029



TO: PUTUXENT PUBLISHING COMPANY
May 11, 1995 Issue - Jeffersonian

Please forward billing to:

Thomas E. Sausser
6401 Sherwood Road
Baltimore, MD 21239
821-3576

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser
Contract Purchaser: Thomas Sausser
HEARING: TUESDAY, JUNE 6, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 4, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas E. Sausser

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 16, 1995

NOTICE OF REASSIGNMENT

Rescheduled from: 6/6/95
CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.

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HEARING: TUESDAY, JULY 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

AJ:ggs

cc: Thomas Sausser
David K. Gildea, Esq.
Dorothy Biser, Esq.
Warren Dorfler
M. Kolobielski
Carolyn Cecil

Given: 6/21/95
Request for postpone
ment granted by the
Please send copy of your
date to attorney



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 28, 1995

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON JULY 18, 1995,
HAS BEEN POSTPONED AT THE JOINT REQUEST OF DAVID K. GILDEA, ATTORNEY
FOR PETITIONER AND DOROTHY P. BISER, ATTORNEY FOR PROTESTANTS..

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director
Department of Permits and Development Management

cc: David K. Gildea, Esq.
Dorothy P. Biser, Esq.
Warren Dorfler
M. Kolobielski
Carolyn Cecil

AJ:ggs





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 1995

NOTICE OF REASSIGNMENT

Rescheduled from 7/18/95
CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

HEARING: TUESDAY, SEPTEMBER 12, 1995 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: David K. Gildea, Esq.
Dorothy P. Biser, Esq.
Warren Dorfler
M. Kolobielski
Carolyn Cecil



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 1, 1995

David K. Gildea, Esquire
Whiteford, Taylor and Preston L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Item No.: 385
Case No.: 95-390-XA
Petitioner: Thomas Sausser

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

WILCOX



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 23, 1995
Zoning Administration and Development Management

FROM *Puko* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 15, 1995
Item No. 385

The Developers Engineering Section has reviewed the subject zoning item. The driveway entrance is to be constructed per Department of Public Works' Standard Plates R-15A and R-34.

This proposal is subject to Sec. IX.c.2.b3 of the Landscape Manual. This section requires a 10-foot setback against all residential properties. The Hearing Officer should rule on this Landscape Manual Variance.

This office offers no opinion on the Variance. The site should receive a full Landscape Manual conformance review and be required to comply with the manual to the extent possible.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 18, 1995

SUBJECT: 6401 Sherwood Road

INFORMATION:

Item Number: 385

Petitioner: Thomas E. Sausser

Property Size: _____

Zoning: D.R. 5.5

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The property in question is located within the Towson Community Plan area and is designated as a Community Conservation area, Outer Neighborhoods.

The requested special exception for a Class B Group Child Care Center for 40 children also involves numerous Variances from Section 424.7 and 424.1 of the Baltimore County Zoning Regulations, i.e. Variances to lot area, side and rear building setback, perimeter vegetative buffer, impervious surface area and fence setback. Pursuant to Section 1B01.1B1.g.(10a) of the Baltimore County Zoning Regulations, Principle use Class A and B Group Child Care Centers are exceptions to residential transition area provided "that the zoning commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be compatible with the character and general welfare of the surrounding residential premises."

Since the applicant cannot comply with the bulk standards of Section 424.7 and the requested Variances will involve an overcrowding of the land, this request should be denied.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL

ITEM385/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jahlon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MALL STOP-1105

RE: Property Owner: THOMAS L. SAUSSER

LOCATION: E/S SHERWOOD RD., 150' N OF OVERBROOK (6401 SHERWOOD RD.)

Item No. 385

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1971 edition prior to occupancy.

RECEIVED

MAY 8 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWOLD
Fire Marshal Office, PHONE 887-4831, MS-1102F

cc: File



Printed on Recycled Paper

MICRON 11, MD

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/8/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 378
379
380
381
382
385
386
389
391
④

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-9-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 385 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

**PETITION PROBLEMS
AGENDA OF MAY 8, 1995**

#380 --- JCM

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

#381 --- MJK

1. No signature on petition forms for Donald E. Grempler (legal owner).

#382 --- JLL

1. Need attorney (company is incorporated).

#383 --- JLL

1. No item number on petition forms

#384 --- JCM

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

#385 --- CAM

1. No telephone number for legal owner.

#386 --- CAM

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

#387 --- RT

1. No telephone number for legal owner.

#489 --- JJS

1. Need typed or printed name of person signing for legal owner.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 15, 1995

Lawrence E. Schmidt, Esquire,
Baltimore County Zoning Commissioner
Timothy J. Kotroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Re: Petitions for Special Exception
and Zoning Variance
6401 Sherwood Road
E/S Sherwood Road, 150' N of
Overbrook, 9th Election District,
4th Councilmanic
PETITIONER: THOMAS E. SAUSSER
Hearing date: 6/6/95, 11:00 a.m.
Case No. 95-390-XA

Dear Mr. Schmidt and Mr. Kotroco:

As a result of several recent cases presenting similar issues, our office has taken the position in the County Board of Appeals in opposition to the approval of a special exception combined with variances for a group day care center involving the Residential Transition Area requirements. See Chester Haven v. Board of Appeals, 103 Md.App. 324 (1995).

Very truly yours,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/caf
Enclosure

cc: Thomas E. Sausser


Zoning Administration and Development Management file ✓

81115
y
49


RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
6401 Sherwood Road, E/S Sherwood Road,	*	ZONING COMMISSIONER
150' N of Overbrook, 9th Election Dist.,	*	
4th Councilmanic	*	OF BALTIMORE COUNTY
 Thomas E. Sausser	*	 CASE NO. 95-390-XA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas E. Sausser, 6401 Sherwood Road, Baltimore, MD 21239, Petitioner.



PETER MAX ZIMMERMAN

AMC/ROU/CLM/EL

RECEIVED

MAY 15 1995

ZADM

June 6 1995
RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
6401 Sherwood Road, E/S Sherwood Road, * ZONING COMMISSIONER
150' N. of Overbrook, 9th Election Dist., *
4th Councilmanic * OF BALTIMORE COUNTY

Thomas E. Sausser * Case No. 95-390-XA
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the David K. Gildea and Whiteford, Taylor & Preston in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

David K. Gildea

DAVID K. GILDEA
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1995, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204



Dorothy P. Biser, Esquire
1100 Overbrook Road
Baltimore, Maryland 21239


DAVID K. GILDEA

Stoneleigh Community Association, Inc.

Baltimore, Maryland 21212

813 Tred Avon Road
Baltimore, MD 21212-1635
September 8, 1995

Lawrence E. Schmidt
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

This letter is in support of the Idlewylde Community and to state opposition on behalf of the Stoneleigh Community Association Board of Governors to a special exception for a group day care center at 6401 Sherwood Road. This is for Case Number 95-390-XA (Item 385) for which a hearing has been scheduled for September 12, 1995. We are concerned about traffic and noise levels should this exception be passed. Property values may also be affected with the introduction of this business in the community, and we prefer to keep the property residential.

Sincerely,



Pat Comber
President
Stoneleigh Community
Association

10/10/95

6/14
Dorothy P. Biser
Attorney-at-Law
1100 Overbrook Road
Baltimore, Maryland 21239
(410) 377-2502



June 14, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Timothy J. Kutroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, Maryland 21204

Re: Petition For Special Exception and For Variance
6401 Sherwood Road, 9th Election District,
Fourth Councilmanic

Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt and Mr. Kutroco:

Please enter the appearance of Dorothy P. Biser as attorney for Idlewylde Community Association in the above-captioned matter. The Community Association is opposed to the requests for a Special Exception and for the Variance as requested by the Petitioner. Kindly send all notices of any hearing dates, proceedings or orders to the address listed above.

Respectfully submitted,

Dorothy P. Biser
Dorothy P. Biser

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to:

David K. Gildea
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

WESLEY

page 2-
6/14/95

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

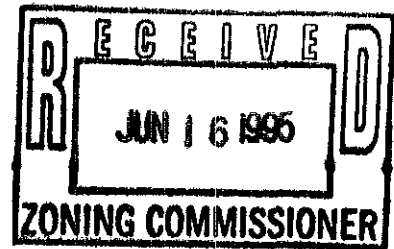
Dorothy P. Biser
DOROTHY P. BISER

Dorothy P. Biser
Attorney-at-Law
1100 Overbrook Road
Baltimore, Maryland 21239
(410) 377-2502

June 14, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Timothy J. Kutroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, Maryland 21204



Re: Petition For Special Exception and For Variance
6401 Sherwood Road, 9th Election District,
Fourth Councilmanic

Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt and Mr. Kutroco:

Please enter the appearance of Dorothy P. Biser as attorney for Idlewylde Community Association in the above-captioned matter. The Community Association is opposed to the requests for a Special Exception and for the Variance as requested by the Petitioner. Kindly send all notices of any hearing dates, proceedings or orders to the address listed above.

Respectfully submitted,

Dorothy P. Biser
Dorothy P. Biser

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to:

David K. Gildea
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

page 2-
6/14/95

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

Dorothy P. Biser
DOROTHY P. BISER

Dorothy P. Biser
Attorney-at-Law
1100 Overbrook Road
Baltimore, Maryland 21239
(410) 377-2502

6/23/95 15-95
cf 2861-95
TO 63
OK
please follow thru

June 21, 1995

Arnold Jablon, Director
Baltimore County Government
Office of Zoning Administration and Dev.
Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: CASE NO.: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150 N of Overbrook
9th Election District
4th Councilmanic
Legal Owner: Thomas Sausser

Dear Mr. Jablon:

Kindly postpone the hearing in the above-captioned case which has been scheduled for July 18, 1995, at 10:00 a.m. in Towson. David K Gildea, counsel for the Petitioner, Thomas E. Sausser, and the undersigned counsel for Idlewylde Community have scheduled a community meeting for the same day. It is in the best interest of both parties to reset the hearing. Both counsel would like to reset the case by agreed date for September 1995 per conference call if possible.

Thank you for your consideration of this request.

Respectfully submitted,

Dorothy P. Biser
Dorothy P. Biser

cc: David K Gildea, Esq.
Peter Max Zimmerman, Esq.

RECEIVED

JUN 23 1995

ZADM

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

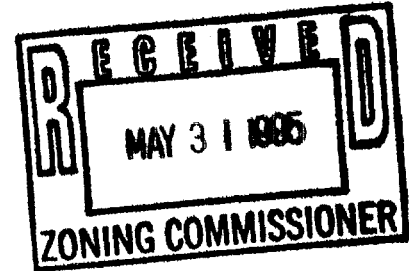
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

May 31, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204



Timothy J. Kutroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Petition for Variance
6401 Sherwood Road, 9th Election District, Fourth Councilmanic
Petitioner: Thomas E. Sausser
Hearing Date: June 6, 1995, 11:00 a.m.
Case No.: 95-390-XA

Dear Mr. Schmidt and Mr. Kutroco:

Thomas E. Sausser, Petitioner, by and through counsel, Whiteford, Taylor & Preston, hereby requests a postponement of the hearing set for June 6, 1995 at 11:00 a.m. Counsel was retained by Mr. Sausser on May 23, 1995, after the Petitioner filed the Petition for Special Exception and Zoning Variance.

On Tuesday, May 30, 1995, it came to the attention of Mr. Sausser that one of the local community associations was going to oppose the Petitions and had retained counsel. Mr. Sausser was unaware of any community opposition to his Petitions prior to May 30, 1995.

4/22/95
cf

2817-95
AS

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

June 19, 1995

Mr. Arnold Jablon
Director, Office of Zoning Administration and
Development Management
Room 109, 111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 96-390-XA (Item 385),
6401 Sherwood Road
Our File: 03983/00001

Dear Mr. Jablon:

Counsel in the above-referenced matter jointly request a postponement of the hearing from its date on July 18, 1995 to a date sometime after September 4, 1995. The community association would like to meet with Mr. Sausser and review his proposal prior to the hearing date. Currently, we have a July 18, 1995, date for the community association meeting. Dorothy Biser, counsel for the community association, believes that more than one community association may be needed and that scheduling during the summer would be very difficult. Counsel believes that all community association meetings should be completed prior to the Labor Day weekend and therefore would request a meeting after September 4, 1995.

Thank you for your consideration of this matter.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:dmk

RECEIVED
JUN 21 1995

ZADM

2405-95
5/31/95
y

IDLEWYLDE COMMUNITY ASSOCIATION
BALTIMORE COUNTY, MARYLAND

May 30, 1995

Office of Zoning Administration & Development Management
County Courts Building
Room 406
Towson, Maryland 21204

RECEIVED

MAY 31 1995

Attention: Zoning Commissioner of Baltimore County

ZADM

RE: Case No. 95-390-XA (Item 385)
6401 Sherwood Road
Legal Owner: Thomas Sausser

Dear Sir:

The Idlewylde Community Association has been notified that the above address has applied for a special exception to the zoning regulations to allow for a Class B Group Day Care Center.

After speaking with the residents in the area and examining the site, the Association and its Board of Directors has voted to strongly oppose this plan.


The property in question is located on a residential block composed of single family homes. The residents of these homes would face a degradation of their property value and quality of life if a commercial day care facility were to be allowed to operate on this site. We feel that the increase in traffic and noise would adversely affect all resident of the neighborhood.

The Idlewylde Community has several family-run day care businesses in operation and does not see the need for a large commercial operations. If Mr. Sausser wishes to operate a smaller facility (8 children or less), we would support him fully.

We urge you to not allow this special exception on 6401 Sherwood Road.

Thank you.

Sincerely,



John P. Keenan, President
Idlywylde Community Association

JPK/jb

MICROFILMED

9/12
Lamy

The Greater Towson Council of Community Assoc., Inc.



September 1, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception for Variance
6401 Sherwood Road, 9th Election District
Fourth Councilmanic

Petitioner: Thomas E. Sausser
Case No.: 95-390-XA



Dear Mr. Schmidt:

The proposed development of 6401 Sherwood Road as a Commercial Day Care Center was presented to The Greater Towson Council of Community Associations, Inc. during our July meeting.

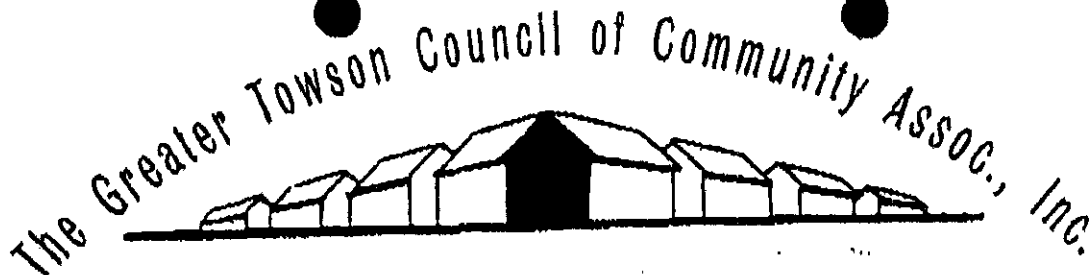
The Council voted unanimously to oppose this development for the following reasons:

1. The property is located in a residential neighborhood and would degrade the quality of life and property values of adjacent property owners.
2. The 1/3 acre lot is far too small for a 40-child facility.

Thank you for your attention in this matter.

Sincerely,

President, G.T.C.C.



September 1, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception for Variance
6401 Sherwood Road, 9th Election District
Fourth Councilmanic

Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt:

The proposed development of 6401 Sherwood Road as a Commercial Day Care Center was presented to The Greater Towson Council of Community Associations, Inc. during our July meeting.

The Council voted unanimously to oppose this development for the following reasons:

1. The property is located in a residential neighborhood and would degrade the quality of life and property values of adjacent property owners.
2. The 1/3 acre lot is far too small for a 40-child facility.

Thank you for your attention in this matter.

Sincerely,

President, G.T.C.C.

6408 Sherwood Rd.
Baltimore, MD 21239
12 September 1995


Dear Ms. Biser:

Thank you very much for representing our neighborhood at today's zoning hearing. Because my work prevents me from attending the hearing, I wanted to express to you by letter my opinions regarding this variance and special exception request.

My wife and I are strongly opposed to this proposal. We are both physicians, my wife originally from Louisiana and myself from Alabama. We came to Baltimore to get the best medical training in the world, at The Johns Hopkins Hospital. After I finished my training (my wife is still in her residency), we decided to stay and practice here in Baltimore. Three years ago we began looking for our first house, an old house in a quiet neighborhood where we could live, walk our dogs, plant a garden, and raise children. After looking in many areas of Baltimore City and County, we found just what we were looking for at 6408 Sherwood Rd. It is a 90 year old house that has become our first true home. We have spent the past two and a half years painting the interior, refinishing the hardwood floors, and renovating the house to its past glory. We came here intending to stay.

While I recognize the need for day care centers, I believe that putting a 40 person center in the middle of our neighborhood would be a mistake. The added traffic, the noise, and the presence of a commercial establishment in a neighborhood of families would go a long way toward making this area a less desirable place to live. We made a choice to move here and to improve this old house, its yard, and thus this neighborhood. We believe it to be one of the most desirable areas to live in the County. We made a choice to live in Baltimore County and to pay our taxes in Baltimore County even though we both practice in Baltimore City. Please do what you can do today to confirm our belief that we made the right choice. Please do what you can to keep this a neighborhood where we can live and raise our children.

Sincerely,


V. Dixon King, Jr. MD

ENCLOSURE

My name is Darlene Glandemann and I live at 809 Regester Ave. I have lived in the Edlwyde community for 34 years. I am opposed to a child day care center on Sherwood Rd. for many reasons. I am concerned about the increase in traffic early in the morning and in the late afternoon and therefore the safety of the children in the neighborhood. As it is now there are children riding bikes to school and school buses picking up and dropping off children on Sherwood Rd. and surrounding bus stops. I do not want further commercialization in my neighborhood and I do not see a need for further day care in this area. There are currently many church nursery schools and private day care in homes.

Thank you

Darlene Glandemann

9/12/95.

My name is Regina Spano and I live in the Adleyville Community.

I am opposed to the DayCare Center on Sherwood Rd., as I feel it would commercialize our neighbor and create a traffic problem.

My address is 6505 Beverly Rd and I am a new member to the neighborhood, but feel the quiet of my neighborhood should be disrupted.

Thank you,
Regina Spano

9/12/95

I oppose the day-care center
proposed for Sherwood Rd.

Barbara J. Hernandez
6516 Beechwood Rd.
377-9892

Gwen -

1/16
10:28

Call -

Caroline Cecil
377-2980

Re: Special Hearing
@ 11:00 today is cancelled

(Day Care Ctr
Sherwood Rd)

Please call her to let her know
when it will be rescheduled &

Notify

95-330

M. KOLOBIELSKI

6710 SHERWOOD RD.

21239

Carolyn Cecil

6609 Sherwood

21239

~~John~~



Dotty Bises

1100 Overbrook Rd

21239

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Dotty + Paul Biser	1100 Overbrook Rd. Balt.	21239 377-2502
Jeep Nelson	1102 Overbrook Rd. Balt.	21239 377-4645
Linna M. Cutler	6400 Sharon Rd. Balt.	21239 -377-9749
Nancy Gennard	6402 Sharon Rd. Balt.	21239 377-2841
Terry Benbrough	6403 Sharon Rd. Balt.	21239 377-7413
J.D. Forest	6404 Sharon Rd. Balt.	21239 577-4567
LaVern Brown	6401 Sharon Rd. Balt.	21239 377-5640
Walter Brown	6401 Sharon Rd. Balt.	21239 377-5640
Debra H. Fitch	1029 Overbrook Rd. Baltimore, Md.	21239-377-9076
Christopher J. Fitch	1016 Overbrook Rd. Baltimore, Md.	21239 377-6259
Ginger Cernak	6508 Sharon Rd. Balt., MD	21239 377-5713

159 signatures
163

number of signatures this page: 11

19270

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewylde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewylde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Patti Nelson	6505 Crestwood Rd.	377-5943
Ellen Yeich	6502 Crestwood Rd.	377-3071
Dawn Connor	6404 Crestwood	377-6440
Steve Connor	6404 Crestwood	" "
Margaret Elseroad	6501 Crestwood	377-6689
Margaret McNally	6504 Crestwood	377-5427
Sharon Bruns	6506 Crestwood Rd.	377-8382
Pamela Davis	6510 Crestwood Rd.	377-8199
Robert Smith	6400 Crestwood Rd.	377-5652
Kimberly McElroy	6403 Crestwood Rd.	377-8751
J. W. McElroy	6403 Crestwood Rd.	377-8751
Ellen Harward	6507 Crestwood Rd.	377-6441
Jean Stafford	6401 Crestwood Rd.	377-5780
Mildred Harward	6503 "	377-5048
John	6502 Crestwood Rd.	377-3071

number of signatures this page: 15

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
✓ Wayne J. Dorfler	6410 SHERWOOD RD	377-6752
✓ Evelyn M. Dorfler	6410 Sherwood Rd	377-6752
✓ PAUL GLAUDEMANS	809 Regester Ave	377-2723
✓ Darlene GlauDEMANS	809 Regester Ave.	377-2723
✓ Adam Cockey	700 Overbrook Rd	377-6909
Eva J. Cockey	" " "	" " "
✓ Silene J. Kozak	6414 Sherwood Rd	377-4674
✓ Joseph M. Kozak	6414 Sherwood Rd	377-4674
✓ Mrs. James Dusselt	6416 Sherwood Rd	377-7363
J. Dusselt	" "	" "
✓ Bobb Scruggs	6426 Sherwood Rd.	
✓ Louis M. Connell	6428 Sherwood Rd.	377-6436
✓ Linda S. Shesock	6517 Sherwood Rd	377-8309
✓ Stella Meringlio	6513 Sherwood Rd.	
✓ Walter S. Treadwell	6503 Sherwood Rd.	
✓ Marie S. Treadwell	6503 Sherwood Rd.	

number of signatures this page: 16

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

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Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Richard McLean	913 ARRAN RD	377-6148
Norma Sherman	919 Arran Rd	377-5177
Doris M. Sherman	919 Arran Rd	377-5177
Kenneth Sherman	919 Arran Rd	377-5177
Richard Matronecci	6503 Beechwood Rd	377-7681
Roland E. Sherman	6507 Beechwood Rd	377-8967
Mike Edmonds	917 Arran Rd	377-3023
Marlene Rodman	6508 Beechwood Rd, Baltz, MD	
Lisa Maram	1001 Arran Rd	
Faizi Syed Calligay	1007 Arran Rd	377-2255
Donna Reid	1114 Regester Ln	377-6520
Norma McLean	913 Arran Rd	377-6148
Robert R. McLean	915 Arran Rd	
Chris Edmonds	125 ARRAN ROAD	377-6464

number of signatures this page: 14

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

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Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Susan Edwards	6508 Beverly Rd.	377-8586
Frank Frank Dauter	6506 Beverly Rd.	377-5651
Beth Anderson	903 Overbrook Rd	377-2542
Regina Francis	6505 Beverly Rd.	377-6838
Barbara Hoer	6500 Beverly Road.	377-8886
Donald R. Shamer	6507 BEVERLY RD	377 6580
Brenda D. Shamer	6507 Beverly Rd.	377-6580
Joni Turner	6503 BEVERLY Rd.	377-0370
Pat Turner	6503 Beverly Rd.	377-0370
Richard Amador	6319 Beverly Rd	377-5787
Donald C. Smith	6501 Beverly	377 9612
Patsy Dauter	6506 Beverly Rd.	377-5651
DK Kline	6504 Beverly Rd.	377-0907
Henry Gots	6505 Beverly Rd	377 6838
Duce Edwards	6508 Beverly Rd.	377-8586

number of signatures this page: 15

22

22

22

22

22

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Dori Sticks	1112 Overbrook Rd	377 0455
Vicki Schult-Myer	6605 Sherwood Rd	377-0828
MARTAN KOLOBIELSKI	6710 SHERWOOD RD	377-7877
Mary Torrey	1302 Regester Ave	823-5929
Jeanne Beyer	6608 SHARON ROAD	377-9706
Patricia Thiel	6716 Sherwood Rd	377-5157
Bo Williams	1292 Limit Ave	377-6257
Kamari Reenan	1129 Overbrook Rd	377-0563
John Dyer	1010 OVERBROOK RD	377-2103
Ruthy Thompson	10650 Sharon	377-8312
Gregg Ann	10700 PRESTON ROAD	277-8886

number of signatures this page: 11

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewylde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewylde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Susan Gouley	6412 Sherwood Rd.	377-3371
Marlene	909 ARRAN RD	377-0787
Jeanne Jew	911 ARRAN RD	377-8650
Debra Sorante	6501 Beverly Rd	377-9612
Jane Edmonds	917 Arran Rd	377-3023
Deborah Steinhart	6502 Beverly Rd	377-8050
William G. O'Connell	6412 Sherwood Rd	377-5371
William Steinhart	6502 Beverly Rd	377-8050
Ann K. Kahn	6504 Beverly Rd.	377-0907
Louise Humphrey	525 Regester Ave.	377-0311
Mr. MS	1000 Walker Drive Baltimore, MD	433-5871
John Keener	1129 2001 BROOK RD RABIMON	377-0563
Frank J. Gouley	6412 Sherwood Rd.	377-3371
Phyllis Reid	6500 Beechwood Rd	377-4171
Joan Stroup	6501 Beechwood Rd.	377-0066
Kim Stroup	6501 Beechwood Rd.	377-0066

number of signatures this page: 16

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Debbie Herman	6406 Sherwood Rd	377-8274
Bogal	6404 Sherwood Rd	377-2762
Marlene Shoul	6404 Sherwood Rd	377-2767
E. Thomas Triadpaugh	904 Overbrook Rd	377-6125
Edward A. Brooks	918 Overbrook Rd	377-7115
Mariane Brooks	918 Overbrook Rd	377-7115
Stephanie Brooks	918 Overbrook Rd	377-7115
Sharon Chaplin	918 Overbrook Rd	377-2509
Albert Shaw	913 Overbrook	377-0228
Joan Muller	922 Overbrook Rd	377-7311
W. D. Smith	6408 Sherwood Rd	377-6032
Jill Albritton	6408 Sherwood Rd	377-6832
John Carpenter	6501 Sherwood Rd	377-6448
Thomas Carpenter	6501 Sherwood Rd	377-6448
Dennis Whitehouse	MP 6422 Sherwood Rd	377-7076
Joan L. Whitehouse	6422 Sherwood Rd	377-7076

number of signatures this page: 16

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Robert C. Condon	901 Arran Rd.	377-4142
Chris Condon	901 Arran Rd.	377-4142
Frank B. Chelf	903 Arran Rd.	377-6664
Haven Woodford	905 Arran Rd.	377-5531
Robin Woodford	905 Arran Rd.	377-5531
Quinn Mills	907 Arran Rd.	377-0673
Clivia C. Mills	907 Arran Rd.	377-0673
Mimi Lane	909 Arran Rd.	377-0787
W. H. Lane	909 Arran Rd.	377-0787
NEWS RIDE - 1690 Collins	6406 SHERWOOD RD.	377-4733

number of signatures this page: 16

6/13/95

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

We the undersigned, who are residents of Idlewylde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewylde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
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Joan Valtis	926 Regester Ave	377-5378
Clay R. Sturm	916 Regester	377-7012
Janette W. Sturm	916 Regester	377-7012

number of signatures this page: 3

6/10/95

Petition against Group Day Care Center
Case #95-390-XA
June 6, 1995

We the undersigned, who are residents of Idlewyde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idlewyde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
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Ethel Mae Schmeitz	6518 Sherwood Rd	377-6518
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Emma Schmeitz	6518 Sherwood Rd	377-6518
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Dorothy M. Sisson	807 Regester Ave.	377-5804
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George L. Sisson	807 Regester Ave	377-5804
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Kathleen J. Schuch	801 Regester Ave.	377-0390
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Susan Veeris	6516 Sherwood Rd.	377-6739
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* Patricia Williams	806 Regester Ave	377-4923
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* Robert C. Williams	806 Regester Ave.	377-4923
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Garn J. Bolin	6420 Regester Ave.	377-4434
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Lowell E. Jones	909 Regester Ave.	377-8316
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Cathy Newkirk	915 Regester Ave	377-4981
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R. J. Newkirk	915 Regester Ave	377-4981
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M. M. Newkirk	917 Regester	377-0104
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H. M. Seelach	6512 Beverly Rd	377-5065
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Juanita Stur	6509 Beverly Rd.	377-0978
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O. Colin Stur	6509 Beverly Rd	377-0978
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number of signatures this page: 16

Petition against Group Day Care Center

Case #95-390-XA

June 6, 1995

We the undersigned, who are residents of Idlewylde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize ^{and adversely affect} our residential neighborhood and are against any such commercialization, ^{and adverse impact.}

Therefore, we hereby request that the Idlewylde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Diana Jones	909 Regester Ave	377-8316
Vernon Price	910 Regester Ave	377 6355
Bonnie Housman	1003 St Albans Rd	377-2654
Rosemary Dupont	739 Regester Ave	377-0867
Rachel Harding	905 Regester Ave	377-5781
Scott Strohmman	6720 Sherwood Rd	377-7749
Barbara Weldon	6507 Sharon Rd	377-5415
Stewart Weldon	6507 Sharon	377-5415
Stephanie Lee	1117 Overbrook Rd. 21239	377-5297
Dorothy Stuchlik	6502 Beverly Rd 21239	377-8450
Olivia C. Miller	907 Arran Rd 21239	377-0673
Bob + Chris Candler	901 Arran Rd 21239	377-4142
Christina Stuchlik	739 REGESTER AVE	377 0867
Aleat Stuen	913 Overbrook Rd	377-0228
Margaret E Taylor	922 Litchfield Rd	377-0746
Nancy & Paul Liden	6517 Beverly Rd	377-7700

number of signatures this page: 16

ZONING COMMISSIONER - WITNESS FORM

NAME: _____

ADDRESS: _____

COMPANY: _____

ADDRESS: _____

REPRESENTING: _____

SUPPORTING: PETITIONER 1

PROTESTANT _____

TESTIMONY:

No 1 - Site plan
No 2 - zoning map

1A - Deed

1B - Survey

2A Photo of

2B - Corner of Aron
x Sherwood

2C - House on Aron

2D - Neighborhood

2E } pictures
2F }
2G }
2H }

3) modified site plan

4) list of address

5) Photos

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

THOMAS SAUSSER

6401 Sherwood Rd. 21239

Ann Horney

1922 Greenspring Dr. 21093

Jeff Morgan, AIA

507 Granleigh Rd. 21117

FRED THOMPSON

LPJ INC
16 W. 25TH ST. 21218

David K Golden

WTP 210 W Penn. Ave Towson Md.
21204



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME
<u>Ruth Chelf</u>
<u>Martha J. Masters</u>
<u>CHARLES H. MASTERS</u>
<u>Kim Stroup</u>
<u>Susan Gourley</u>
<u>Darlene Glandemans</u>
<u>Jeananne Strine</u>
<u>Laura Edmonds</u>
<u>Dawn Converse</u>
<u>CHIRANTAN MUKHOPADHYAY</u>
<u>Rosemary Mukhopadhyay</u>
<u>Rev. Stacey E. Nickerson</u>
<u>Connie Henning</u>
<u>Nancy Lidard</u>
<u>Lori Lane</u>
<u>Beth Andresini</u>
<u>Debra Sorandes</u>
<u>MARY E. SCHAUMLITZ</u>
<u>HARRY C. SCHAUMLITZ</u>
<u>Cheeri Krohn</u>
<u>Gina Quinn Franco</u>
<u>Stewart Welden</u>
<u>Jean Webb</u>
<u>TOM WEBB</u>
<u>DEBRA WEBB</u>
<u>Quentin Mills</u>

ADDRESS
<u>903 Beverly Rd</u>
<u>6504 Beechwood 21239</u>
<u>6504 BEECHWOOD RD 21239</u>
<u>6501 BEECHWOOD RD 21239</u>
<u>6412 Sherwood Rd. 21239</u>
<u>809 Register Ave. 21239</u>
<u>6509 Beverly Rd. 21239</u>
<u>917 Arran Rd 21239</u>
<u>6404 Crestwood Rd 21239</u>
<u>739 REGISTER AVENUE 21212</u>
<u>739 Register Avenue 21212</u>
<u>747 Anneslie Road 21212</u>
<u>623 Sussex Rd. 21286</u>
<u>6517 Beverly Rd 21239</u>
<u>909 Arran Rd 21239</u>
<u>903 Overbrook Rd 21239</u>
<u>6501 Beverly Rd 21239</u>
<u>6511 BEVERLY RD 21239</u>
<u>6511 BEVERLY RD 21239</u>
<u>6504 Beverly Rd. 21239</u>
<u>6505 Beverly Rd 21239</u>
<u>6507 Skarom Rd 21239</u>
<u>6519 BARNBURY RD. 21251</u>
<u>" " " "</u>
<u>" " " "</u>
<u>" " " "</u>
<u>707 ARRAN RD 21239</u>

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
JOHN KEENAN President ICA	1129 Overbrook Rd 21239
MARJAN KOLOBIELSKI	6710 SHERWOOD RD, 21239
DONALD. HART.	806, OVERBROOK RD. 21239.
Evelyn N. Dorfner	6410 Sherwood Rd 21239
Ruth Jacob	6515 Maplewood
Sharon Johnson	6508 Maplewood Rd
Llewellyn E. Jones	909 Regester Ave.
Rachel Harding	905 Regester Ave
Faige Lynn - Callagary	1007 ARRAN RD 21239
Kenneth W. Stumm	916 Regester Ave. 21239
E. MARTIN CARRAN, TER	6501 Sherwood Rd 21239
Edgar W. Cooney	901 Chebrook Rd. 21239
Ngo Collins	6426 SHERWOOD R.A
STEVEN H. PEAVY	1016 REGESTER AVE 21239
Robert C. Candler	901 ARRAN RD. 21239
Joanne W. Lent	911 Arran Rd 21239
Robin Woolford	905 Arran Rd
Linda Gresock	6517 Sherwood Rd 21239
ROBERT E WILLIAMS, JR	806 REGESTER AVE, 21239
JOHN A. YAKUBOWSKI, SR.	916 Overbrook Rd. 21239
MORIS J. YAKUBOWSKI	916 Overbrook Rd 21239
PATRICIA H. WILLIAMS	806 REGESTER AVE 21239
SANDRA L. ZOLL	6512 BANBURY RD 21239
JOAN L. WHITEHOUSE	6422 SHERWOOD RD 21239
Dorothy M. Sisson	807 Regester Ave. 21239

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

WILLIAM SANDS STOCKSDALE 925 ABBAN ROAD 21239

W. Zee Steigert W. Lee Steelwright 6502 Beverly Rd 21239

WARREN L. DORFLEN

6410 SHERWOOD Pt, 21239

RECYCLED

DEED

LIBER 9351 PAGE 602

COLUMBIA TOWN CENTER TITLE COMPANY
App. No. 92-8280

THIS DEED, Made this 5 day of August, in the year one
thousand nine hundred and ninety-two by and between
THOMAS E. SAUSSER, Party of the first part, Grantor; and MARC D. LANE
and LORETTA M. LANE, husband and wife, parties of the second part,
Grantees.

THE ACTUAL CONSIDERATION PAID OR TO BE PAID IS \$ 20,000.00
aforesaid

WITNESSETH: That in consideration of the sum of ~~Five Dollars~~ and other valuable
considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant,
convey and assign unto said Grantees, as tenants by the entireties, their
assigns, the survivor of them, his or her heirs, personal representa-
tives and assigns, in fee simple,

**PROTECTED BY
EXHIBIT A**

all that lot(s) of ground
situate in Baltimore County,
in the State of Maryland, and described as follows, that is to say:

FOR DESCRIPTION SEE EXHIBIT A ATTACHED HERETO AND MADE A PART
HEREOF.

BEING part of the land described in Deed dated April 28, 1992 and
recorded among the Land Records of Baltimore County in Liber 9164,
folio 200, thereby granted and conveyed by Pietro Rugolo and Beatrice
A. Rugolo to Thomas E. Sausser, Grantor herein.

COLUMBIA TOWN CENTER TITLE COMPANY
SUITE 401, EQUITABLE BANK BUILDING
10320 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044

THIS IS TO CERTIFY THAT THIS
INSTRUMENT HAS BEEN PREPARED BY
AN ATTORNEY ADMITTED TO PRACTICE
IN THE STATE OF MARYLAND

C RCF 15.00

THOMAS S. SAUSSER
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point distant North 82° 48' 20" East 150.00 feet from the east side of Sherwood Road 60 feet as now widened, said point being on the second line of that parcel of land described secondly which by deed dated April 28, 1992 and recorded among the Land Records of Baltimore County, Maryland in Liber 9164, Page 200 was granted and conveyed by Pietro Rugolo and Beatrice A. Rugolo, his wife, to Thomas E. Sausser, run thence and binding on the remainder of said second line and all of the third line of said parcel of land described secondly in said deed with all bearings in the meridian as shown on a plat of subdivision entitled Idlewylde, Section A and recorded among the aforesaid Land Records in Plat Book WPC 7, Page 140

- (1) North 82° 48' 20" East 45.00 feet and
- (2) South 07° 11' 40" East 50.00 feet, thence binding on all of the third and a part of the fourth line of that parcel of land described firstly in said deed
- (3) South 07° 11' 40" East 50.00 feet, and
- (4) South 82° 48' 20" West 45.00 feet, thence for a new line of division and running through that parcel of land described firstly in said deed
- (5) North 07° 11' 40" West 50.00 feet, continue thence and running through that parcel of land described secondly in said deed
- (6) North 07° 11' 40" West 50.00 feet to the point of beginning.

CONTAINING 4,500.00 square feet or 0.1033 acres of land

BEING part of that land which by deed dated April 28, 1992 and recorded among the Land Records of Baltimore County, Maryland in Liber 9164, Page 200 was granted and conveyed by Pietro Rugolo and Beatrice A. Rugolo, his wife, to Thomas E. Sausser.



21 3307 60 000011

CHICAGO TITLE INSURANCE COMPANY OF MARYLAND

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS CHICAGO TITLE INSURANCE COMPANY OF MARYLAND, a Maryland corporation, herein called the Company, insures, as of date of policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A; sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title.
4. Lack of a right to access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

SEE ATTACHED ENDORSEMENT
FOR NOTIFICATION OF MERGER

Issued by:

COLUMBIA TOWN CENTER TITLE COMPANY
10320 Little Patuxent Parkway
Equitable Bank Center, Suite 700
Columbia, MD 21044
(301) 730-7777

CHICAGO TITLE INSURANCE COMPANY OF MARYLAND

BY:

[Signature]
President

BY:

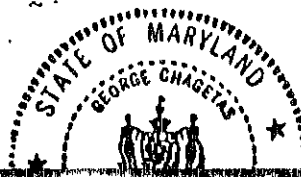
[Signature]
Secretary



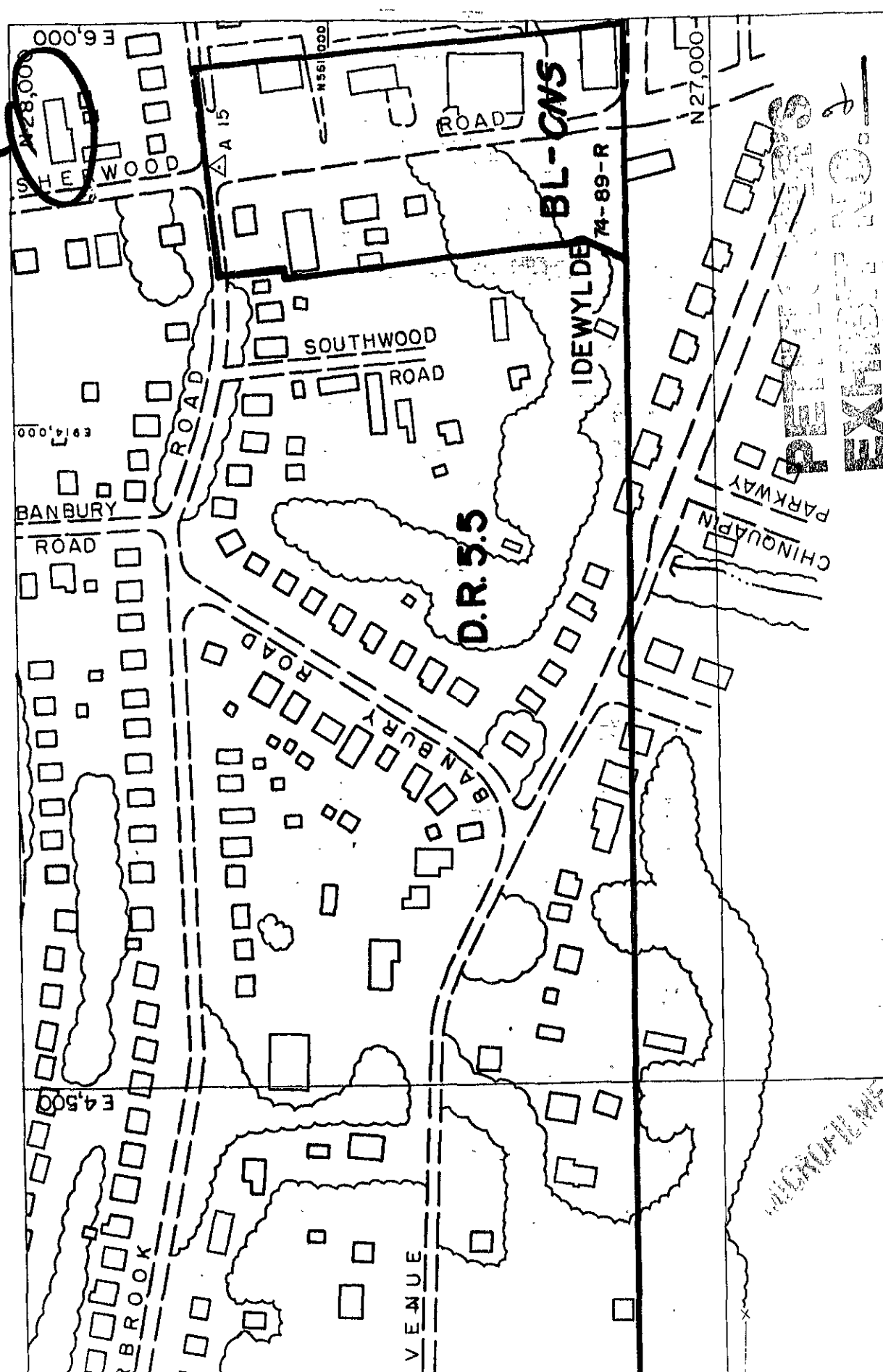
[Signature]
Authorized Signature

ALTA OWNER'S POLICY (4-6-90)

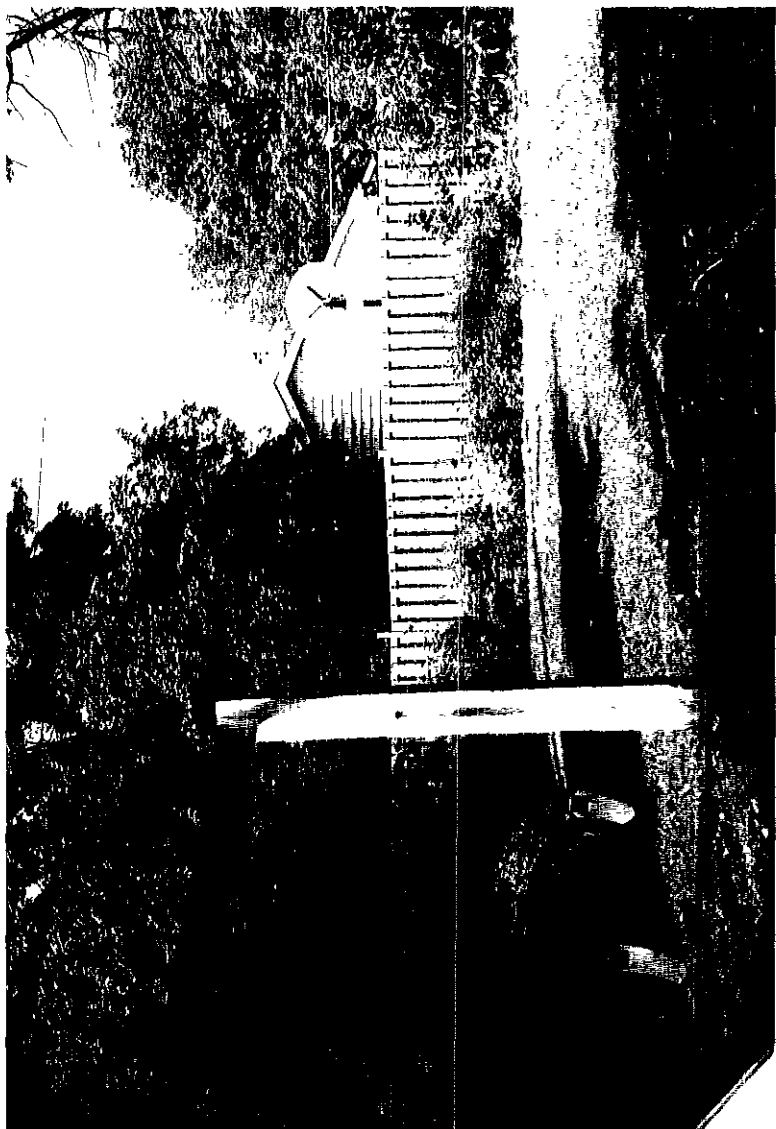
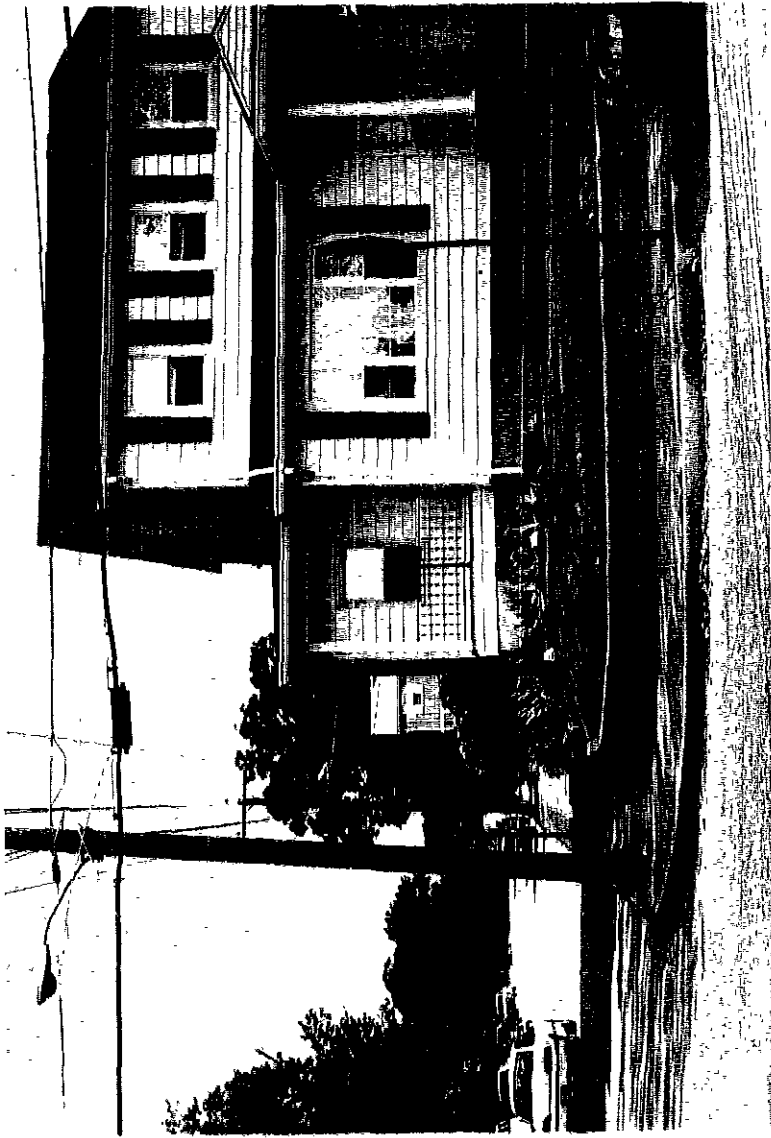
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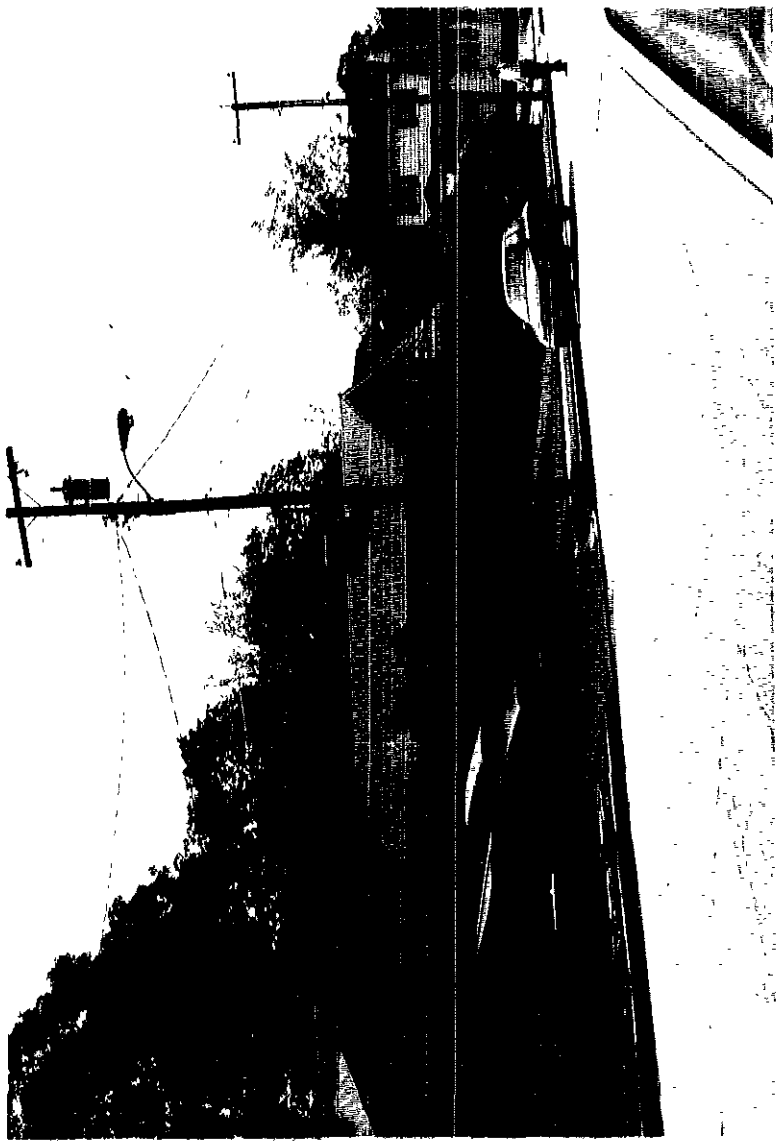
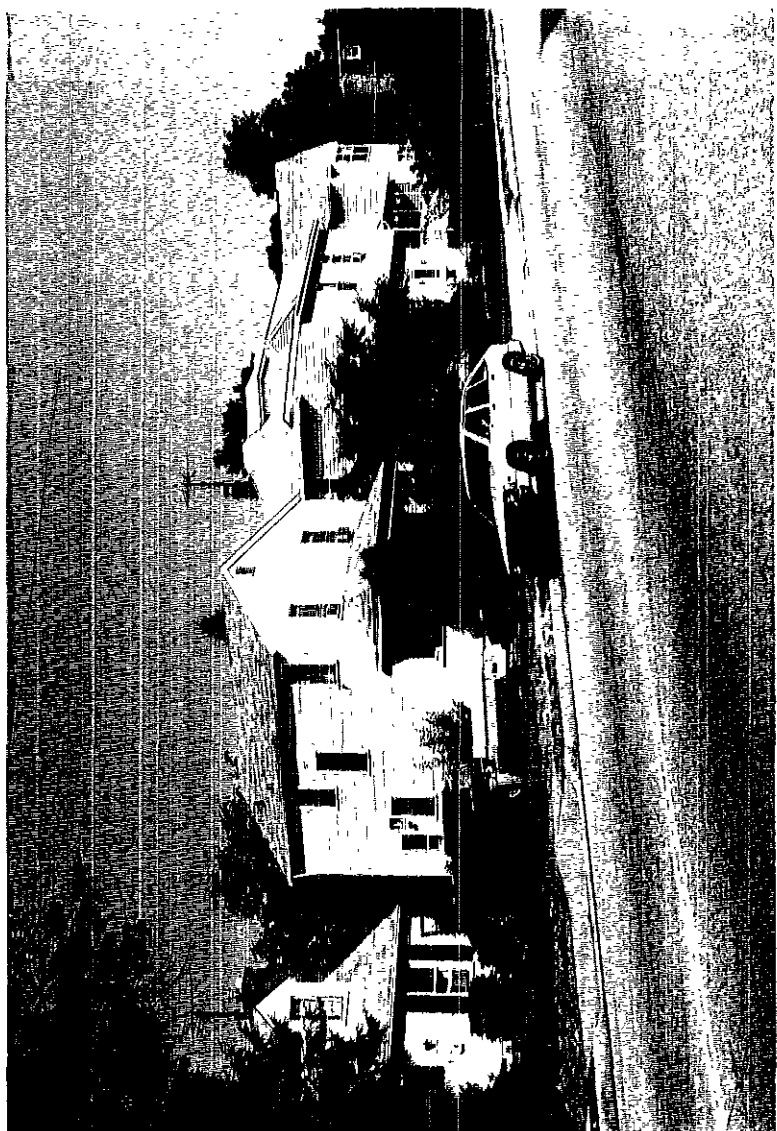
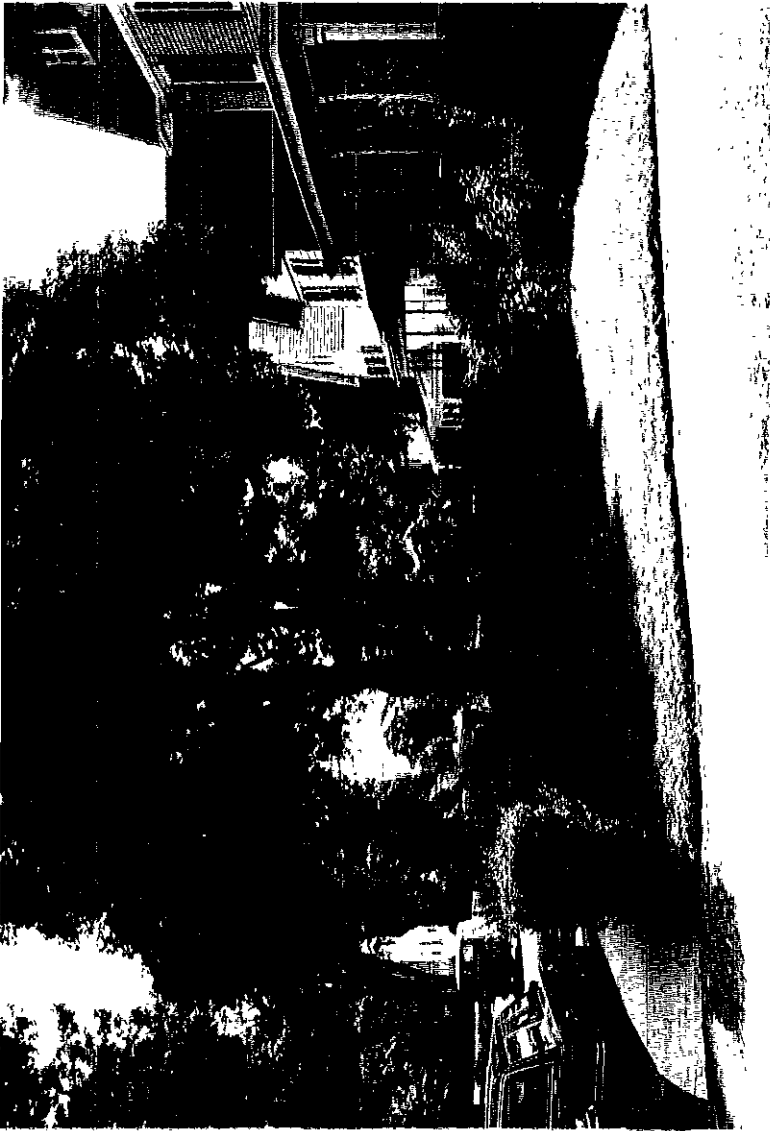


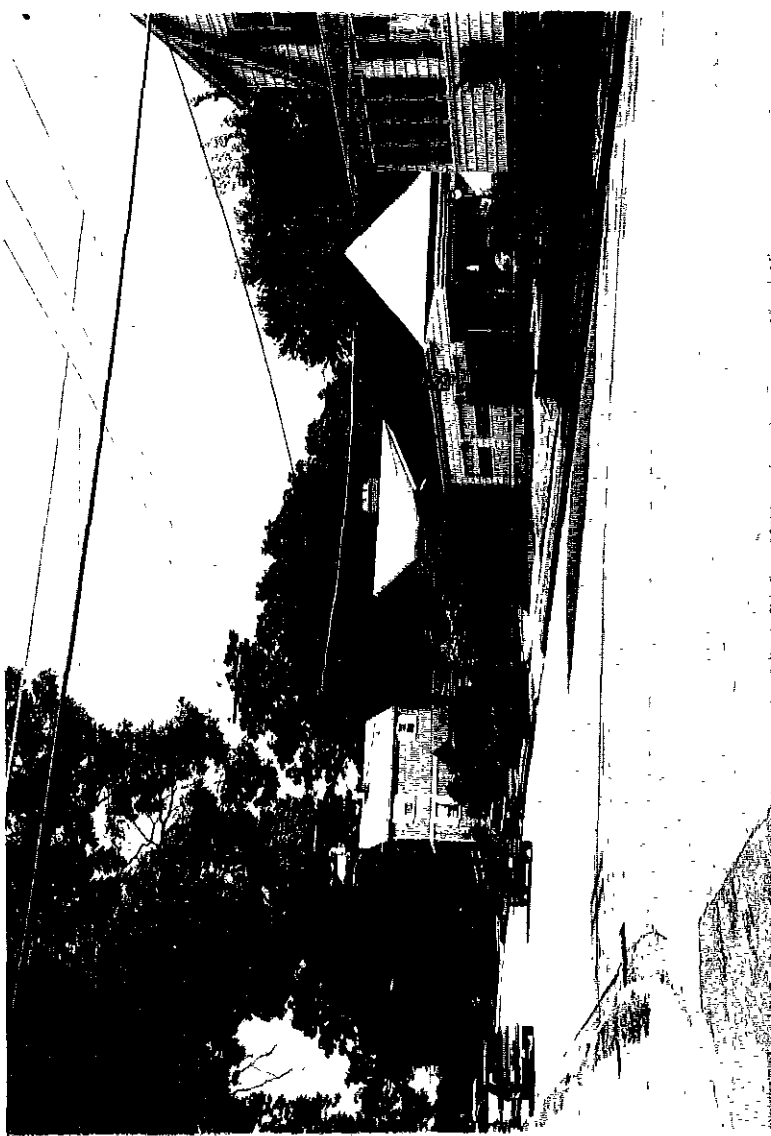
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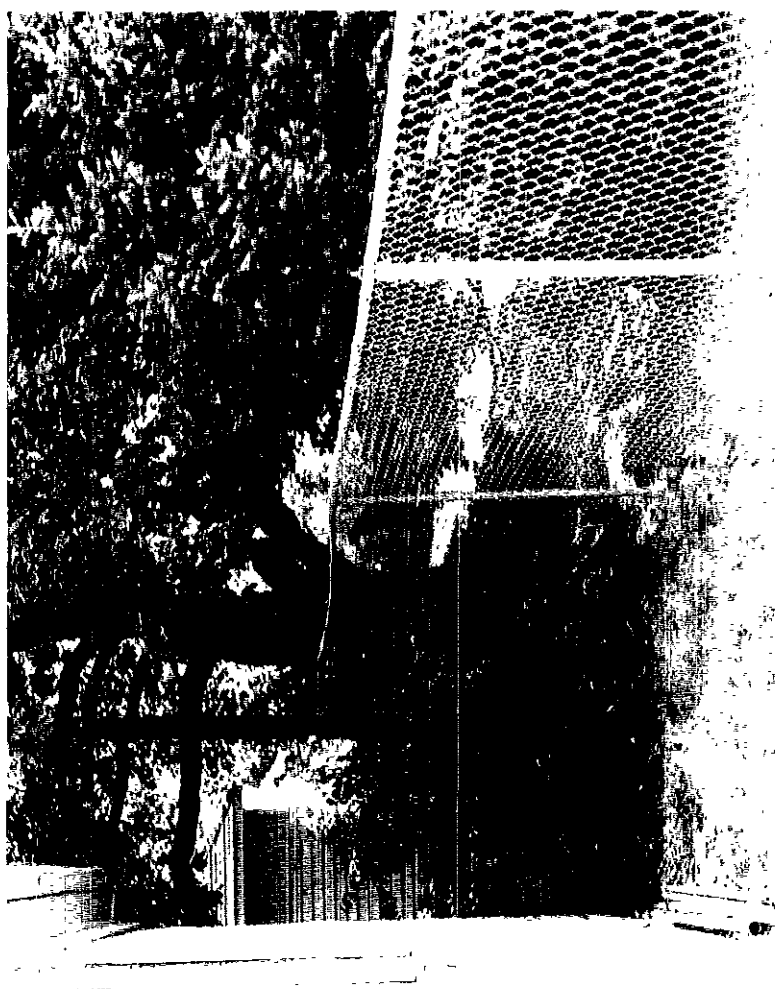


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LPJ, INC.

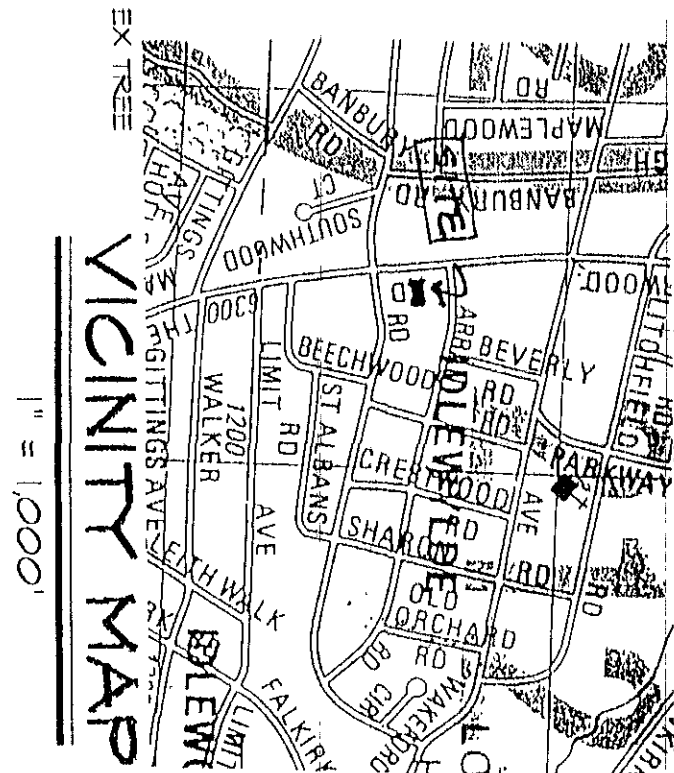
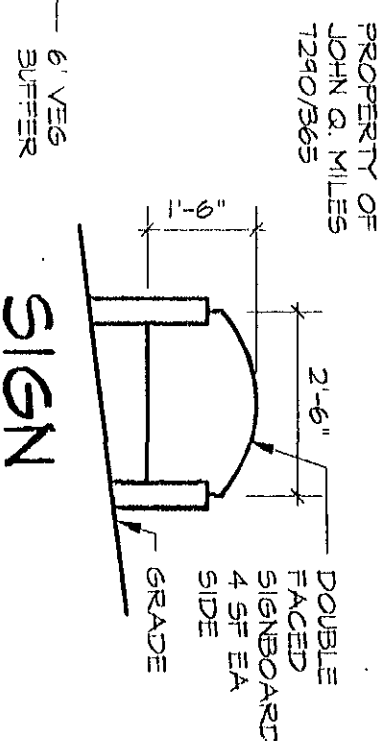
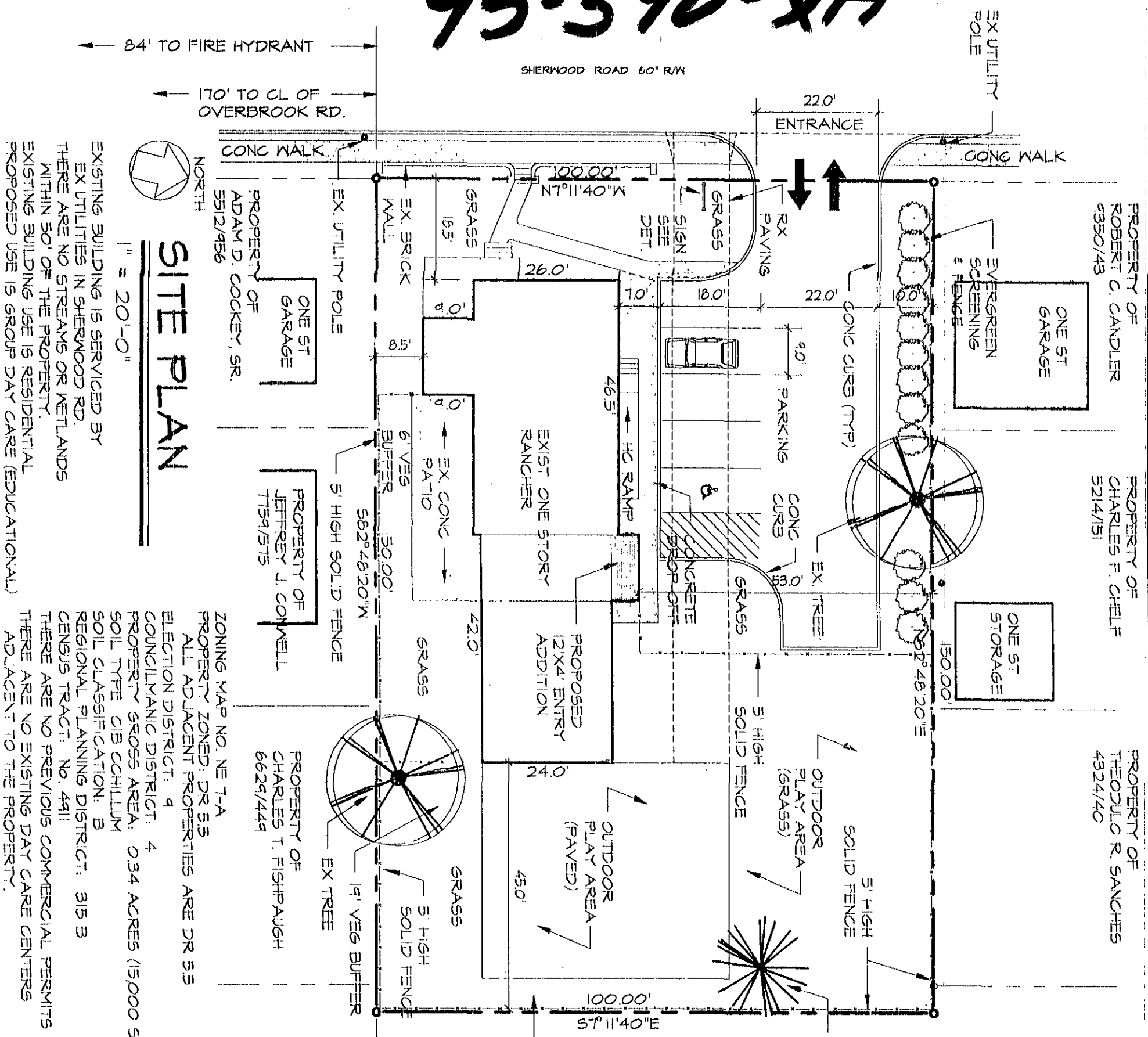








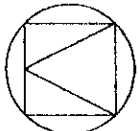
95-390-XA



OWNER'S NAME: THOMAS E. SANSER
OWNER'S ADDRESS: 6401 SHERWOOD RD
BALTIMORE, MD 21234
PROPERTY ADDRESS: SAME
DEED REF: 9164/200
TAX ACCOUNT NO.
DWELLING: 0409091948033010734
LOT: 040909194803310740

A circular professional engineer seal for the State of Georgia. The outer ring contains the text "STATE OF GEORGIA" at the top and "PROFESSIONAL ENGINEER" at the bottom. Inside the ring, the text "REGISTERED" is at the top and "NO. 16584" is at the bottom. In the center is a crest featuring a plow and a sheaf of wheat. The seal is signed with a cursive signature, "Jeffrey A. Smith", across the bottom.

DESIGN	JBM
DRAWN	JBM
APP	
SCALE	1" = 20"
DATE	3/22/95
CADD FILE	SITE



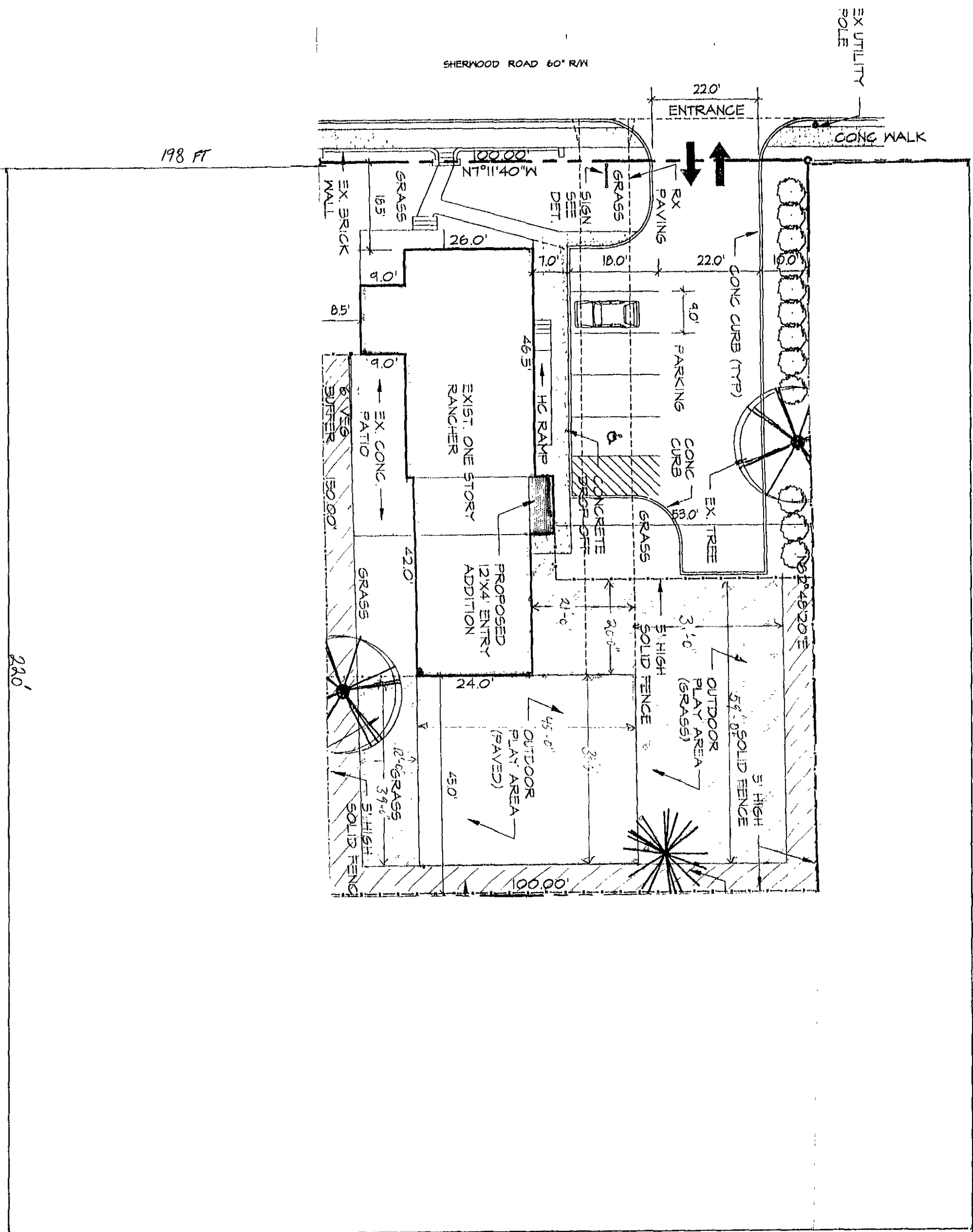
MORGAN
DESIGN
GROUP

Architecture
Landscape Design
Interior Design

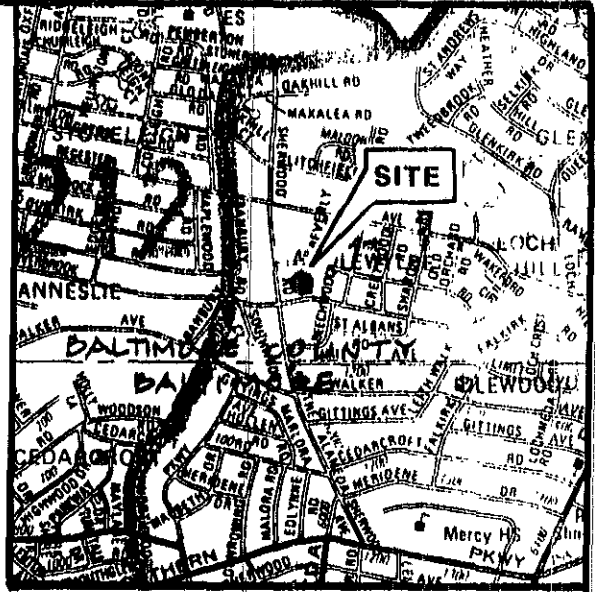
507 Granleigh Road
Owings Mills, Maryland 21117
Ph (410) 363-2415
Fax (410) 998-9537

SITE PLAN

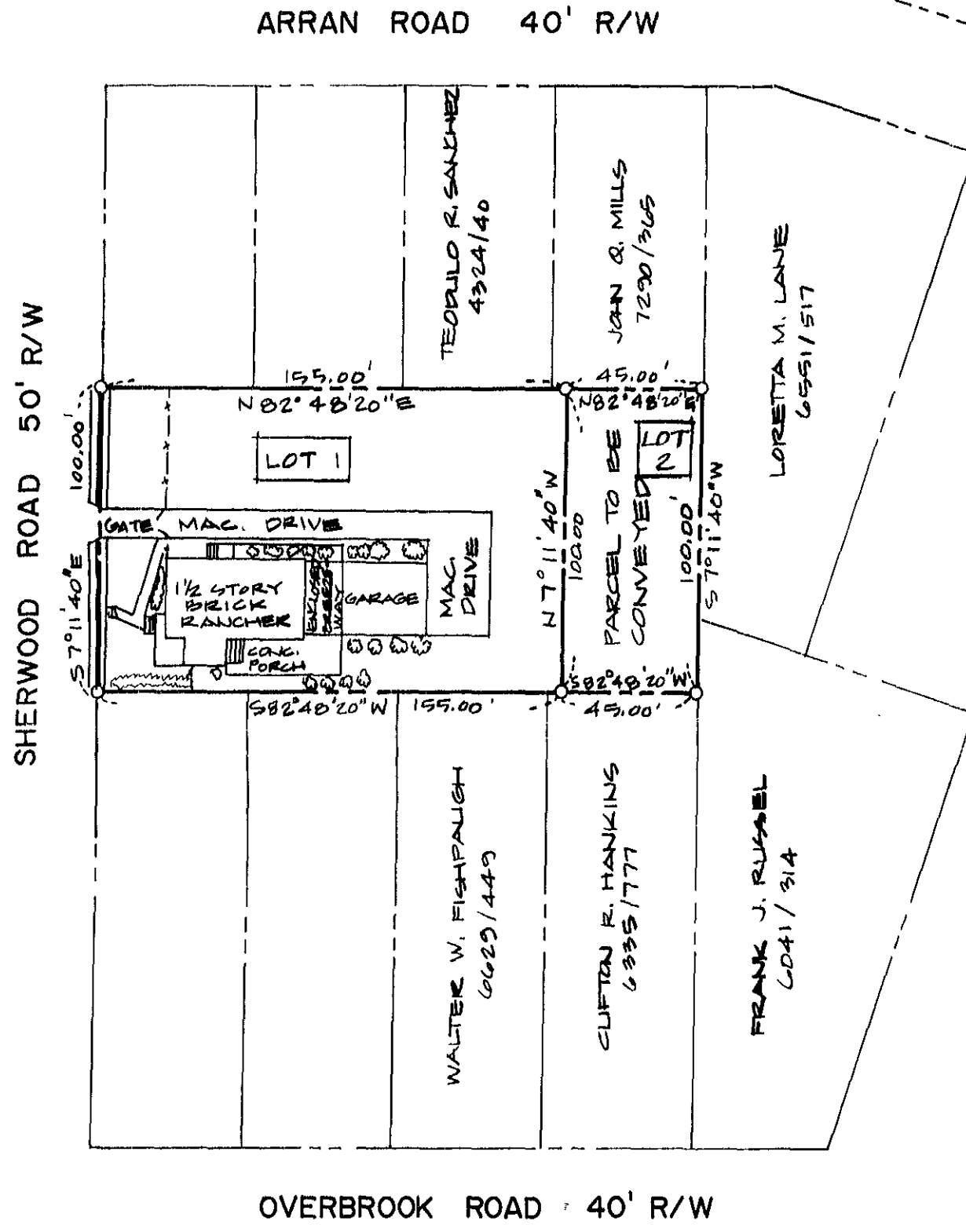
PLAN TO ACOMPANY
SPECIAL EXCEPTION AND
ZONING VARIANCE
AT 6401 SHERWOOD ROAD
BALTIMORE, MD 21239



APPROVED
DATE: 10/10/2010
BY: [Signature]



VICINITY MAP
SCALE: 1" = 2000'



GENERAL NOTES

1. COUNCILMANIC DISTRICT: 4
2. CENSUS TRACT NO. 4911
3. PROPERTY NO. 09-19-480330
4. ELECTION DISTRICT 9
5. WATERSHED
6. EXISTING WATER AND SEWER
7. REGIONAL PLANNING DISTRICT: 315 B

DENSITY DATA

1. EXISTING ZONING	DR 5.5
2. GROSS AREA	20,000 SF
3. NO. OF LOTS ALLOWED	5.5 / AC
4. NO. OF LOTS PROPOSED	2
5. NET AREA	20,000 SF
LOT 1	15,500 SF
LOT 2	4,500 SF

SOIL TYPE

C1B CHILLUM

SOIL CLASSIFICATION

TYPE B

EBA ENGINEERING, INC.
Consulting Engineers
5800 METRO DRIVE
BALTIMORE, MARYLAND 21215
(410) 358-7171

SCALE:
1" = 50'

OWNER:
THOMAS E. SAUSSE
PIETRO RUSSELL
6401 SHERWOOD RD.
BALTIMORE, MD. 21239

DATE:

DEED REF:
LIBER 0067, PAGE 000
9164, 200

PROTECTED
EXHIBIT 1B

MICROFILMED

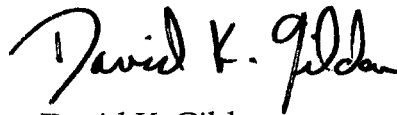
Lawrence E. Schmidt, Esquire
May 31, 1995
Page 2

Whiteford, Taylor & Preston is entering its appearance in this case the date of this letter, May 31, 1995. Mr. Sausser is requesting a postponement so that discussions with the newly discovered opposition may be initiated to work out a compromise between the opposition and Mr. Sausser.

It is in the best interest of all parties involved to have discussions prior to appearing before you on this matter. I spoke with counsel to the opposition, Dorothy P. Biser on May 31, 1995, who stated that she will not have enough time to speak with all of the Association members to agree with the postponement, however, she represented to me that she will not oppose it.

Denial of a postponement at this time would unduly prejudice Mr. Sausser's Petitions for Special Exception and Zoning Variance.

Very truly yours,

A handwritten signature in black ink that reads "David K. Gildea". The signature is written in a cursive, flowing style.

David K. Gildea

DKG:dmk

cc: Mr. Thomas E. Sausser
Dorothy P. Biser, Esquire
Peter Max Zimmerman, Esquire
G. Scott Barhight, Esquire

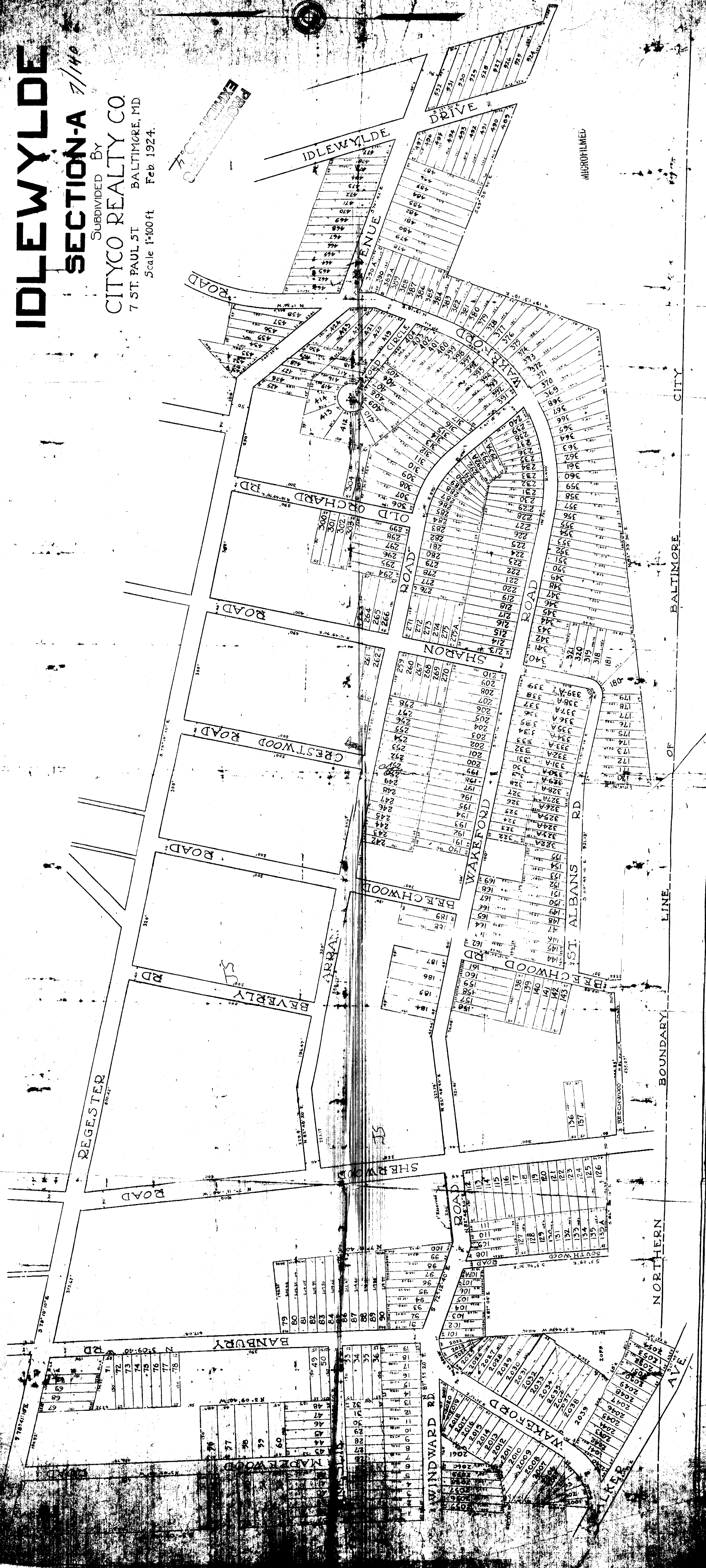
IDLEWYLDE

SECTION-A 7/140

SUBDIVIDED BY
CITYCO REALTY CO.
7 ST. PAUL ST. BALTIMORE, MD
Scale 1"=100ft
Feb 1924.

PROPOSED
EXCHANGE

MICROFILMED



CITY OF BALTIMORE

BOUNDARY LINE

NORTHERN

AVE

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Sherwood Road, * ZONING COMMISSIONER
150' N of Overbrook Road * OF BALTIMORE COUNTY
(6401 Sherwood Road)
9th Election District * Case No. 95-390-XA
4th Councilmanic District
Thomas E. Sausser
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6401 Sherwood Road, located in the vicinity of Walker Avenue in Idlevilide. The Petitions were filed by the owner of the property, Thomas E. Sausser, through his attorney, David K. Gildea, Esquire. The Petitioner seeks a special exception to utilize the subject property as a Class B Group Day Care Center for approximately 40 children of various ages, and a finding that the subject property is exempt from the RTA requirements set forth in Section 1801.1.B.1.g.10(a) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception request, the Petitioner seeks variance relief from the B.C.Z.R. as follows: From Section 424.7.A to permit a minimum lot area of 0.34 acres in lieu of the minimum required 1.0 acre; from Section 424.7.B to permit a side yard setback of 8.5 feet and a rear yard setback of 45 feet with a vegetative buffer of 6 feet for both in lieu of the required 50-foot setback and 20-foot vegetative buffer; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 424.1.B to permit the required fence to be located on the property line in lieu of the required 20-foot distance. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Thomas Sausser, property owner, Ann Horney, operator of the proposed Day Care Center, Jeff Morgan, Registered Architect with Morgan Design Group, Fred Thompson, Professional Engineer who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. Appearing as Protestants in the matter were numerous residents of the surrounding communities, most of whom reside in Idlevilide; however, many of the residents were from the adjacent communities of Stoneleigh and Anneslie, all of whom signed the Citizen Sign-In Sheet. The Protestants were collectively represented by Dorothy Biser, Esquire.

Testimony and evidence offered revealed that the subject property consists of 0.34 acres, zoned D.R. 5.5, and is improved with a one-story rancher and a detached garage. The property is located on the east side of Sherwood Road, between Arran Road and Overbrook Road in Idlevilide. Mr. Sausser testified that he has resided on the property since April 1992, however, is now desirous of converting the property for use as a Group Child Day Care Center. He described the neighborhood and commented that, although generally residential in character, there are some commercial business uses nearby. Mr. Sausser testified that there is a nursing home at the corner of Sherwood Road and Regester Avenue, and that there are also other business uses, such as a video store, pizza shop, and deli/liquor store in the vicinity. Mr. Sausser also testified that a barber shop is located immediately across the street in part of a dwelling. Presently, Mr. Sausser resides on the property; however, if the special exception is granted, he intends to move from the site and the property will then cease to be used for dwelling purposes.

Of particular note is the fact that Mr. Sausser originally owned

- 2 -

a larger lot than what is presently shown on the site plan. Testimony revealed that after he purchased the property in 1992, Mr. Sausser conveyed a parcel of land from the rear portion of the site, 100 feet in width by 45 feet in depth, to the adjoining property owners, Mr. & Mrs. Marc D. Lane, thus reducing the size of the lot to the present 0.34 acres.

Also testifying on behalf of the Petitioner was Jeffrey B. Morgan, Registered Architect, who testified as to the proposed renovations to the interior of the dwelling to convert same for use as a child day care center. He testified that there would be no external renovations to the site, but for additional landscaping which will include a row of evergreens along the northern property line to buffer the use from adjoining residential properties, and a new paved parking area. Mr. Morgan noted that the new parking area will provide five parking spaces and one handicapped space as shown on the plan. In addition, the entrance to the dwelling will be reoriented to provide primary access through the side entrance immediately adjacent to the parking area. Mr. Morgan stated that the existing structure is large enough from a square footage standpoint to meet all State requirements relating to day care centers, and also meets the necessary plumbing and electrical codes, etc.

Testimony was next offered by Ann Horney, who will operate the proposed child care center. Ms. Horney has a B.S. degree in early childhood development and elementary education. Ms. Horney testified that the proposed center will provide day care services for up to 38 children, aged 2 to 5 years. She testified the hours of operation will be Monday through Friday, from 7:00 AM to 6:00 PM and that there will be no weekend hours. Further testimony indicated that child care classrooms will be divided into three age groups: 2 to early 3 year olds, late 3 year olds to early

- 3 -

4 year olds, and late 4 year olds to 5 year olds. There will be a lead teacher and two assistants for each group, and morning and afternoon snacks will be provided. Ms. Horney anticipates that there will be no traffic problems as parents will be bringing children in primarily between the hours of 7:00 AM and 9:00 AM and that drop off will be spaced evenly during the morning hours. She further noted that the existing garage will be converted for use as an indoor play area and that an outside play area is being provided towards the rear of the site.

Mr. Fred Thompson, Professional Engineer who prepared the site plan for this property, testified that there would be little or no impact to the surrounding locale and addressed the provisions of Section 502.1 of the B.C.Z.R. He further testified that there will be little change to the site with the exception of the addition of a fence and landscaping on the property, as most of the changes will be interior. He addressed the variance relief requested and testified that the Petitioner would suffer a practical difficulty if same were not granted.

Testimony in opposition to the request was offered by many of the residents who appeared at the hearing. Ms. Linda Gresock contradicted the Petitioner's testimony and argued that the barber shop he referred to is a small operation and is incidental to the dwelling. Ms. Gresock fears that the day care center operation would bring an increase in traffic on the streets in this community and adversely affect the residential character of the neighborhood. Ms. Joanne Stein opposes the relief requested for the same reasons. Ms. Stein is also concerned over the impact on traffic, particularly on school bus traffic which operates in the area during the hours when children would be dropped off in the morning. Ms. Gwen Converse echoed those concerns and testified that she believes the site is too small

- 4 -

to support a day care operation.

Also testifying in opposition to the relief sought was Chirantan Mukhopadhyay. Mr. Mukhopadhyay testified that the use proposed would adversely affect the character of the surrounding community. He believes that the subject property is too small to accommodate the number of cars that will visit the site and is fearful of the effects that an absentee owner will have on this property.

Ms. Beth Andresini also testified in opposition to the use proposed, as did Maria Carpenter, Laurie Lane, Robin Woolford, and Stacey Nickerson, Pastor of the Idlevilide United Methodist Church. All expressed the same concerns as to traffic and impact on the surrounding neighborhood. In addition, Pastor Nickerson testified that the church provides day care services for up to 15 children on the premises. She stated that based on the volume of traffic the church experiences for the 15 children in its day care program, more than doubling that traffic for the 38 children proposed at the subject site would make traffic in the area much worse.

Mr. Robert Candler, who resides adjacent to the property, fears a change in character for the neighborhood, and is concerned about security, since no one will be present at the site on weekends. Messrs. Roy Dorfner and Marjan Kolobielski both corroborated Mr. Candler's testimony.

In order for a special exception to be granted, the Petitioner must show that the proposed use meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse

impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981). In the opinion of this Zoning Commissioner, the property is simply too small to accommodate the proposed use. Moreover, the location of this property and the unique character of surrounding uses are compelling factors which warrant a denial of the special exception. It is of particular note that Mr. Sausser, to a certain extent, aggravated these conditions when he sold the rear portion of his lot and made the property even smaller. The property in its present configuration simply cannot support the use proposed. Parking on the property is a particular concern. It can be envisioned that each child will be brought to the site by a parent on his or her way to work. Thus, 38 trips to the site can be anticipated during peak morning rush hours. This coupled with the narrowness of the streets in this community as well as existing traffic would overwhelm the residential character of this neighborhood. Furthermore, the traffic and parking issue when combined with the small area of this lot are compelling reasons upon which I must conclude that the requirements of Section 502.1 of the B.C.Z.R. cannot be satisfied.

Having denied the special exception request, consideration of the variance relief is moot. However, even if the special exception relief were granted, the variances would be denied. Again, the compelling factor in this respect is that the lot is only 0.34 acres in size nestled among residential properties. The inherent impacts of a day care center, e.g., noise, traffic, etc., are made worse on the surrounding properties due to the small size of this lot. The lot is simply too small to handle such an intense use, given its location in a residential community. The small setbacks proposed are simply not large enough to buffer the property due

- 5 -

to the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied and the Petition for Variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of October, 1995 that the Petition for Special Exception to utilize the subject property as a Class B Group Day Care Center for approximately 40 children of various ages, in accordance with Petitioner's Exhibit 1, and a finding that the property is exempt from the RTA requirements set forth in Section 1801.1.B.1.g.10(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 424.7.A to permit a minimum lot area of 0.34 acres in lieu of the minimum required 1.0 acre; from Section 424.7.B to permit a side yard setback of 8.5 feet with a vegetative buffer of 6 feet on one side only, and a rear yard setback of 45 feet with a 6-foot vegetative buffer in lieu of the required 50-foot setback and 20-foot vegetative buffer required for each; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 424.1.B to permit a fence to be located on the property line in lieu of the required 20-foot distance for a proposed Class B Group Child Day Care Center, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

LES:bjs

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 3, 1995

(410) 887-4386

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Sherwood Road, 150' N of Overbrook Road
(6401 Sherwood Road)
9th Election District - 4th Councilmanic District
Thomas E. Sausser - Petitioner
Case No. 95-390-XA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petition for Variance dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas E. Sausser
6401 Sherwood Road, Baltimore, Md. 21239

Dorothy P. Biser, Esquire
1100 Overbrook Road, Baltimore, Md. 21239-1538

Mr. John Keenan, President, Idlevilide Community Assoc.
1129 Overbrook Road, Baltimore, Md. 21239

People's Counsel; Cass File



Petition for Special Exception

95-390-XA
to the Zoning Commissioner of Baltimore County

for the property located at 6401 Sherwood Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

A Group Day Care Center (Class B principal use) for approximately 40 children of various age groups.

And a finding that the property is exempt from the RTA requirements under Sec. 1801.1.B.1.g (10a).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Thomas E. Sausser

(Type or Print Name)
Thomas E. Sausser

Signature
Thomas E. Sausser

(Type or Print Name)
Thomas E. Sausser

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Thomas E. Sausser



Petition for Variance

95-390-XA
to the Zoning Commissioner of Baltimore County

for the property located at 6401 Sherwood Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment "A"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Thomas E. Sausser

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Thomas E. Sausser

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Thomas E. Sausser

(Type or Print Name)
Thomas E. Sausser

Attachment "A" 6401 Sherwood Road

424.7-A (Bill No. 200-1990) Minimum Lot Area (To allow a lot area of 0.34 acres (15,000 sf) in lieu of the required 1.0 acres.)

1) The lot area can not be increased and is consistent with other Day Care Centers in the County. 2) Strict compliance would render the property useless as a Day Care Center. 3) Approval would not adversely effect other property owners or the use of this property as other requirements such as parking, drop-off, outdoor play area and indoor space requirements could be met.

424.7-B (Bill No. 200-1990) Minimum Side and Rear Setback Requirements and 20 ft. perimeter vegetative buffer. (To allow a side yard setback of 8.5 ft. with 6 ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer.)

1) The proposed Day Care Center utilizes and existing building with current setbacks of approximately 45 ft. in the rear and 9 ft. at one side, all other setbacks are met. These conditions are existing and are virtually impossible to change. The intent of the buffer could be met with a tall narrow hedge and fence along the property line.

424.7-E (Bill No. 200-1990) Maximum Impervious Surface Area (25% of Gross Area. (To allow a impervious surface area of 40% in lieu of the allowed 25%))

1) The proposed building already exist. Current impervious surface is 39%. Proposed improvements would increase it by 1% to 40%. It would be impossible to meet the parking requirements and provide adequate sidewalks otherwise. The existing paved area for play could be removed and seeded of required, however this paved area would be nice for certain types of play activities.

424.1-B (Bills No. 47-1985, 26-1988, 200-1990) Fence no closer to the property line than 20 ft. (To allow the required fence to be located on the property line in lieu of the required 20 ft. distance.)

1) Because of the lot size and in order to provide adequate parking and outdoor play area it would be impractical to locate the fence 20 ft. from the property line. It would need to be located on the property line. Furthermore, a 20 ft. space would create an unsupervised or concealed alley which is not recommended.

DESCRIPTION OF PROPERTY
FOR ZONING VARIANCE AND
6401 SHERWOOD ROAD
LPJ PROJECT NO. 1-95015

BEGINNING AT A POINT ON THE EAST SIDE OF SHERWOOD ROAD (FORMERLY CALLED REGISTER AVENUE) A DISTANCE OF 150 FEET NORTHERLY FROM THE INTERSECTION FORMED BY THE EAST SIDE OF SHERWOOD ROAD AND THE NORTH SIDE OF OVERBROOK ROAD (FORMERLY CALLED WAKEFORD ROAD) AND, THENCE, RUNNING NORTHERLY ALONG THE EAST SIDE OF SHERWOOD ROAD NORTH 7° 11' 40" WEST, 100.00 FEET. THENCE, LEAVING SAID ROAD AND RUNNING THE FOLLOWING THREE COURSES AND DISTANCES:

- (1) NORTH 82° 48' 20" EAST, 150.00 FEET;
- (2) SOUTH 7° 11' 40" EAST, 100.00 FEET;
- (3) SOUTH 82° 48' 20" WEST, 150.00 FEET;

TO THE POINT OF BEGINNING. BEING A PART OF THAT LAND WHICH BY DEED, DATED APRIL 28, 1992, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER 9164, PAGE 200, WAS GRANTED AND CONVEYED BY PIETRO RUGOLO AND BEATRICE A. RUGOLO, HIS WIFE, TO THOMAS SAUSSER.

SAID PARCEL CONTAINING 15,000 SQUARE FEET OR 0.34 ACRES OF LAND MORE OR LESS. ALSO KNOWN AS 6401 SHERWOOD ROAD AND LOCATED IN THE 9TH ELECTION DISTRICT.



385

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 5/12/95

Posted for: Special Exception to Variance

Petitioner: Thomas E. Sausser

Location of property: 6401 Sherwood Rd, Ep

Location of Sign: Facing rear yard on property being zoned

Remarks:

Posted by: [Signature] Date of return: 5/19/95

Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 12 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 19 95

THE JEFFERSONIAN.
LEGAL AD. - TOWSON
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 95-390-XA (Item 385)
6401 Sherwood Road
6/5 Sherwood Road, 150' N of Overbrook
9th Election District - 9th Commission
Legal Owner(s): Thomas E. Sausser
Contract Purchaser: Thomas Sausser
HEARING: TUESDAY, JUNE 6, 1995 at 11:00 a.m. in Room 118, Old Courthouse.
Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements under Sec. 1801.1.B.1.g (10a).
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1.0 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer; and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.
LAURENCE E. SCHULTZ
Zoning Commissioner for Baltimore County



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 27 Apr 1995

Thomas SAUSSER - 6401 Sherwood Rd

020-250.00
050-300.00
080-70.00
630.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

Stella Julia
has the
Receipt

385

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

-

May 4, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser
Contract Purchaser: Thomas Sausser
HEARING: TUESDAY, JUNE 6, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

Arnold Jablon

Arnold Jablon
Director

cc: Thomas E. Sausser

NOTES: (1) ZONING STICK & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

June 16, 1995

NOTICE OF REASSIGNMENT

Rescheduled from: 6/6/95
CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

HEARING: TUESDAY, JULY 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

AJ:ggs

cc: Thomas Sausser
David K. Gildea, Esq.
Dorothy P. Biser, Esq.
Warren Dorflier
M. Kolobielski
Carolyn Cecil

June 28, 1995

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON JULY 18, 1995, HAS BEEN POSTPONED AT THE JOINT REQUEST OF DAVID K. GILDEA, ATTORNEY FOR PETITIONER AND DOROTHY P. BISER, ATTORNEY FOR PROTESTANTS..

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon

Arnold Jablon
Director
Department of Permits and Development Management

cc: David K. Gildea, Esq.
Dorothy P. Biser, Esq.
Warren Dorflier
M. Kolobielski
Carolyn Cecil

AJ:ggs

August 22, 1995

NOTICE OF REASSIGNMENT

Rescheduled from 7/18/95
CASE NUMBER: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150' N of Overbrook
9th Election District - 4th Councilmanic
Legal Owner(s): Thomas E. Sausser

Special Exception for a group day care center (Class B principal use) for approximately 40 children of various age groups; and a finding that the property is exempt from the RTA requirements.
Variance to allow a lot area of .34 acres (15,000 square ft.) in lieu of the required 1 acre; to allow a side yard setback of 8.5 ft. with 6-ft. vegetative buffer (one side only) in lieu of the required 50 ft. with 20 ft. vegetative buffer and to allow a 45 ft. rear yard setback with 6 ft. vegetative buffer in lieu of the required 50 ft. setback with 20 ft. vegetative buffer; to allow an impervious surface area of 40% in lieu of the allowed 25%; and to allow the required fence to be located on the property line in lieu of the required 20 ft. distance.

HEARING: TUESDAY, SEPTEMBER 12, 1995 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

cc: David K. Gildea, Esq.
Dorothy P. Biser, Esq.
Warren Dorflier
M. Kolobielski
Carolyn Cecil

June 1, 1995

David K. Gildea, Esquire
Whiteford, Taylor and Preston L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Item No.: 385
Case No.: 95-390-XA
Petitioner: Thomas Sausser

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 23, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 15, 1995
Item No. 385

The Developers Engineering Section has reviewed the subject zoning item. The driveway entrance is to be constructed per Department of Public Works' Standard Plates R-15A and R-34.

This proposal is subject to Sec. IX.c.2.b3 of the Landscape Manual. This section requires a 10-foot setback against all residential properties. The Hearing Officer should rule on this Landscape Manual Variance.

This office offers no opinion on the Variance. The site should receive a full Landscape Manual conformance review and be required to comply with the manual to the extent possible.

RWB:sw

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 18, 1995

SUBJECT: 6401 Sherwood Road

INFORMATION:

Item Number: 385

Petitioner: Thomas E. Sausser

Property Size:

Zoning: D.R. 5.5

Requested Action: Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The property in question is located within the Towson Community Plan area and is designated as a Community Conservation area, Outer Neighborhoods.

The requested special exception for a Class B Group Child Care Center for 40 children also involves numerous Variances from Section 424.7 and 424.1 of the Baltimore County Zoning Regulations, i.e. Variances to lot area, side and rear building setback, perimeter vegetative buffer, impervious surface area and fence setback. Pursuant to Section 1801.181.g.(10a) of the Baltimore County Zoning Regulations, Principle use Class A and B Group Child Care Centers are exceptions to residential transition area provided "that the zoning commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception be compatible with the character and general welfare of the surrounding residential premises."

Since the applicant cannot comply with the bulk standards of Section 424.7 and the requested Variances will involve an overcrowding of the land, this request should be denied.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Klein*

PK/JL
ITEM385/PZONE/ZAC1

DATE: 06/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: THOMAS E. SAUSSER

LOCATION: E/S SHERWOOD RD., 150' N OF OVERBROOK (6401 SHERWOOD RD.)

Item No.: 385

Zoning Agency: SPECIAL EXCEPTION

Description:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be collected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED
MAY 8 1995

ZADM

REVIEWED: LT. ROBERT P. SPURGEON
Fire Marshal's Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 5/8/95

DATE: 5/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 378
379
380
381
382
385
386
389
391

LS:sp

LETTY2/DEPRM/TXTSDP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 385 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PETITION PROBLEMS
AGENDA OF MAY 8, 1995

#380 — JCM

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

#381 — MJK

1. No signature on petition forms for Donald E. Grempler (legal owner).

#382 — JLL

1. Need attorney (company is incorporated).

#383 — JLL

1. No item number on petition forms

#384 — JCM

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

#385 — CAM

1. No telephone number for legal owner.

#386 — CAM

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

#387 — RT

1. No telephone number for legal owner.

#489 — JJS

1. Need typed or printed name of person signing for legal owner.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 867-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 15, 1995

Lawrence E. Schmidt, Esquire,
Baltimore County Zoning Commissioner
Timothy J. Kotroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Re: Petitions for Special Exception
and Zoning Variance
6401 Sherwood Road
E/S Sherwood Road, 150' N of
Overbrook, 9th Election District,
4th Councilmanic
PETITIONER: THOMAS E. SAUSSER
Hearing date: 6/6/95, 11:00 a.m.
Case No. 95-390-XA

Dear Mr. Schmidt and Mr. Kotroco:

As a result of several recent cases presenting similar issues, our office has taken the position in the County Board of Appeals in opposition to the approval of a special exception combined with variances for a group day care center involving the Residential Transition Area requirements. See Chester Haven v. Board of Appeals, 103 Md.App. 324 (1995).

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/csf
Enclosure

cc: Thomas E. Sausser

Zoning Administration and Development Management file ✓

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
6401 Sherwood Road, E/S Sherwood Road, *
150' N of Overbrook, 9th Election Dist., * OF BALTIMORE COUNTY
4th Councilmanic *
Thomas E. Sausser * CASE NO. 95-390-XA
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 867-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas E. Sausser, 6401 Sherwood Road, Baltimore, MD 21239, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
MAY 15 1995
ZADM

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
6401 Sherwood Road, E/S Sherwood Road, *
150' N. of Overbrook, 9th Election Dist., * OF BALTIMORE COUNTY
4th Councilmanic *
Thomas E. Sausser * CASE NO. 95-390-XA
Petitioner *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the David K. Gildea and Whiteford, Taylor & Preston in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

David K. Gildea
DAVID K. GILDEA
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
400 Court Towers
Towson, Maryland 21204
(410) 832-2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 1995, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

RECEIVED
MAY 3 1995
ZONING COMMISSIONER

Dorothy P. Biser, Esquire
1100 Overbrook Road
Baltimore, Maryland 21239

David K. Gildea
DAVID K. GILDEA

Stoneleigh Community Association, Inc.
Baltimore, Maryland 21212

813 Tred Avon Road
Baltimore, MD 21212-1635
September 8, 1995

Lawrence E. Schmidt
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

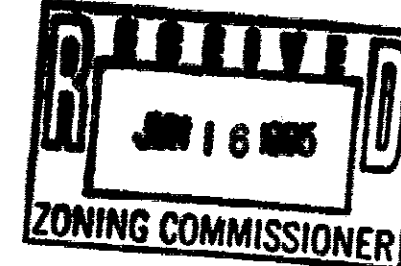
This letter is in support of the Idlewyde Community and to state opposition on behalf of the Stoneleigh Community Association Board of Governors to a special exception for a group day care center at 6401 Sherwood Road. This is for Case Number 95-390-XA (Item 385) for which a hearing has been scheduled for September 12, 1995. We are concerned about traffic and noise levels should this exception be passed. Property values may also be affected with the introduction of this business in the community, and we prefer to keep the property residential.

Sincerely,

Pat Comber

Pat Comber
President
Stoneleigh Community
Association

Dorothy P. Biser
Attorney-at-Law
1100 Overbrook Road
Baltimore, Maryland 21239
(410) 377-2502



June 14, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Timothy J. Kutroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, Maryland 21204

Re: Petition For Special Exception and For Variance
6401 Sherwood Road, 9th Election District,
Fourth Councilmanic
Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt and Mr. Kutroco:

Please enter the appearance of Dorothy P. Biser
as attorney for Idlewyde Community Association in the
above-captioned matter. The Community Association is
opposed to the requests for a Special Exception and for
the Variance as requested by the Petitioner. Kindly
send all notices of any hearing dates, proceedings or
orders to the address listed above.

Respectfully submitted,

Dorothy P. Biser
Dorothy P. Biser

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 1995,
a copy of the foregoing Entry of Appearance was mailed,
postage prepaid, to:
David K. Gildea
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Dorothy P. Biser
Attorney-at-Law
1100 Overbrook Road
Baltimore, Maryland 21239
(410) 377-2502

June 21, 1995

Arnold Jablon, Director
Baltimore County Government
Office of Zoning Administration and Dev.
Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: CASE NO.: 95-390-XA (Item 385)
6401 Sherwood Road
E/S Sherwood Road, 150 N of Overbrook
9th Election District
4th Councilmanic
Legal Owner: Thomas Sausser

Dear Mr. Jablon:

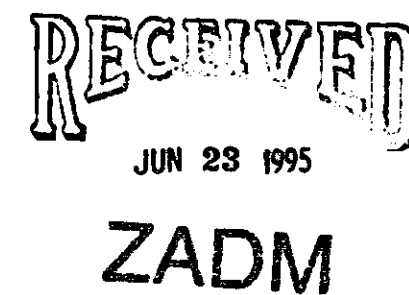
Kindly postpone the hearing in the above-captioned case
which has been scheduled for July 18, 1995, at 10:00 a.m. in
Towson. David K Gildea, counsel for the Petitioner, Thomas E.
Sausser, and the undersigned counsel for Idlewyde Community
have scheduled a community meeting for the same day. It is
in the best interest of both parties to reset the hearing.
Both counsel would like to reset the case by agreed date
for September 1995 per conference call if possible.

Thank you for your consideration of this request.

Respectfully submitted,

Dorothy P. Biser
Dorothy P. Biser

cc: David K Gildea, Esq.
Peter Max Zimmerman, Esq.



WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 782-7992

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20006-5405
TELEPHONE 202 696-6900
FAX 202 331-6979

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2028
TELEPHONE 703 836-4742
FAX 703 836-6205

May 31, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Timothy J. Kutroco, Esquire
Deputy Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Petition for Variance
6401 Sherwood Road, 9th Election District, Fourth Councilmanic
Petitioner: Thomas E. Sausser
Hearing Date: June 6, 1995, 11:00 a.m.
Case No.: 95-390-XA

Dear Mr. Schmidt and Mr. Kutroco:

Thomas E. Sausser, Petitioner, by and through counsel, Whiteford, Taylor &
Preston, hereby requests a postponement of the hearing set for June 6, 1995 at 11:00 a.m.
Counsel was retained by Mr. Sausser on May 23, 1995, after the Petitioner filed the
Petition for Special Exception and Zoning Variance.

On Tuesday, May 30, 1995, it came to the attention of Mr. Sausser that one of the
local community associations was going to oppose the Petitions and had retained
counsel. Mr. Sausser was unaware of any community opposition to his Petitions prior
to May 30, 1995.

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 782-7992

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20006-5405
TELEPHONE 202 696-6900
FAX 202 331-6979

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2028
TELEPHONE 703 836-4742
FAX 703 836-6205

June 19, 1995

Mr. Arnold Jablon
Director, Office of Zoning Administration and
Development Management
Room 109, 111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 96-390-XA (Item 385),
6401 Sherwood Road
Our File: 03983/00001

Dear Mr. Jablon:

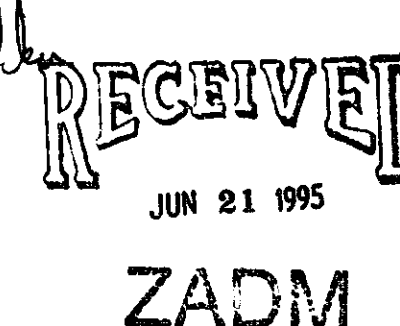
Counsel in the above-referenced matter jointly request a postponement of the
hearing from its date on July 18, 1995 to a date sometime after September 4, 1995. The
community association would like to meet with Mr. Sausser and review his proposal
prior to the hearing date. Currently, we have a July 18, 1995, date for the community
association meeting. Dorothy Biser, counsel for the community association, believes
that more than one community association may be needed and that scheduling during
the summer would be very difficult. Counsel believes that all community association
meetings should be completed prior to the Labor Day weekend and therefore would
request a meeting after September 4, 1995.

Thank you for your consideration of this matter.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:dmk



IDLEWYLDE COMMUNITY ASSOCIATION
BALTIMORE COUNTY, MARYLAND

May 30, 1995

Office of Zoning Administration & Development Management
County Courts Building
Room 406
Towson, Maryland 21204

Attention: Zoning Commissioner of Baltimore County

RE: Case No. 95-390-XA (Item 385)
6401 Sherwood Road
Legal Owner: Thomas Sausser

Dear Sir:

The Idlewyde Community Association has been notified that the above address
has applied for a special exception to the zoning regulations to allow for a Class B Group
Day Care Center.

After speaking with the residents in the area and examining the site, the
Association and its Board of Directors has voted to strongly oppose this plan.

The property in question is located on a residential block composed of single
family homes. The residents of these homes would face a degradation of their property
value and quality of life if a commercial day care facility were to be allowed to operate on
this site. We feel that the increase in traffic and noise would adversely affect all resident of
the neighborhood.

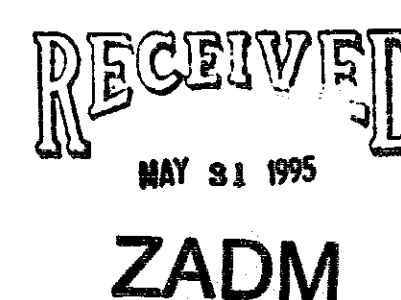
The Idlewyde Community has several family-run day care businesses in operation
and does not see the need for a large commercial operations. If Mr. Sausser wishes to
operate a smaller facility (8 children or less), we would support him fully.

We urge you to not allow this special exception on 6401 Sherwood Road.

Thank you.

Sincerely,
John P. Keenan
John P. Keenan, President
Idlewyde Community Association

JPK/jb



The Greater Towson Council of Community Assoc., Inc.

September 1, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception for Variance
6401 Sherwood Road, 9th Election District
Fourth Councilmanic
Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt:

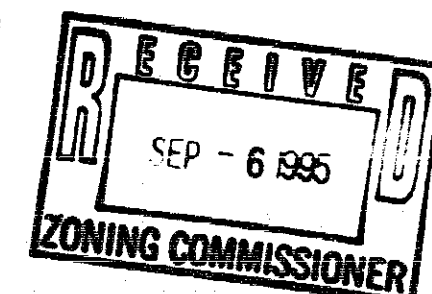
The proposed development of 6401 Sherwood Road as a
Commercial Day Care Center was presented to The Greater Towson
Council of Community Associations, Inc. during our July meeting.

The Council voted unanimously to oppose this development
for the following reasons:

1. The property is located in a residential
neighborhood and would degrade the quality of
life and property values of adjacent property
owners.
2. The 1/3 acre lot is far too small for a
40-child facility.

Thank you for your attention in this matter.

Sincerely,
Joseph K. King
President, G.T.C.C.



09/12/95 10:58 LAW DEPT. LITIGATION + 410 587 9873 NO. 166 002

The Greater Towson Council of Community Assoc., Inc.

September 1, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception for Variance
6401 Sherwood Road, 9th Election District
Fourth Councilmanic
Petitioner: Thomas E. Sausser
Case No.: 95-390-XA

Dear Mr. Schmidt:

The proposed development of 6401 Sherwood Road as a
Commercial Day Care Center was presented to The Greater Towson
Council of Community Associations, Inc. during our July meeting.

The Council voted unanimously to oppose this development
for the following reasons:

1. The property is located in a residential
neighborhood and would degrade the quality of
life and property values of adjacent property
owners.
 2. The 1/3 acre lot is far too small for a
40-child facility.
- Thank you for your attention in this matter.

Sincerely,

President, G.T.C.C.

Dear Ms. Biser

Thank you very much for representing our neighborhood at today's zoning hearing.
Because my work prevents me from attending the hearing, I wanted to express to you by
letter my opinions regarding this variance and special exception request.

My wife and I are strongly opposed to this proposal. We are both physicians, my wife
originally from Louisiana and myself from Alabama. We came to Baltimore to get the best
medical training in the world, at The Johns Hopkins Hospital. After I finished my training
(my wife is still in her residency), we decided to stay and practice here in Baltimore.
Three years ago we began looking for our first house, an old house in a quiet
neighborhood where we could live, walk our dogs, plant a garden, and raise children.
After looking in many areas of Baltimore City and County, we found just what we were
looking for at 6408 Sherwood Rd. It is a 90 year old house that has become our first true
home. We have spent the past two and a half years painting the interior, refinishing the
hardwood floors, and renovating the house to its past glory. We came here intending to
stay.

While I recognize the need for day care centers, I believe that putting a 40 person center in
the middle of our neighborhood would be a mistake. The added traffic, the noise, and the
presence of a commercial establishment in a neighborhood of families would go a long
way toward making this area a less desirable place to live. We made a choice to move
here and to improve this old house, its yard, and thus this neighborhood. We believe it to
be one of the most desirable areas to live in the County. We made a choice to live in
Baltimore County and to pay our taxes in Baltimore County even though we both practice
in Baltimore City. Please do what you can to confirm our belief that we made
the right choice. Please do what you can to keep this a neighborhood where we can live
and raise our children.

Sincerely,
V. Dixon King, Jr.
V. Dixon King, Jr. MD

6408 Sherwood Rd
Baltimore, MD 21239
12 September 1995

My name is Darlene Glawdemans and I live at 509 Regester Ave. I have lived in the Edgelyde community for 34 years. I am opposed to the child day care center on Sherwood Rd. for many reasons. I am concerned about the increase in traffic early in the morning and in the late afternoon and therefore the safety of the children in the neighborhood. As it is now, there are children riding bikes to school and school buses picking up and dropping off children on Sherwood Rd. and surrounding bus stops. I do not want further commercialization in my neighborhood and I do not see a need for further day care in this area. There are currently many children nursery schools and private day care in homes.

Thank you
Darlene Glawdemans

My name is Regina Spanos and I live in the Edgelyde Community. I am opposed to the Daycare Center on Sherwood Rd., as I feel it would commercialize our neighbor and create a traffic problem.

My address is 6505 Beverly Rd and I am a new member to the neighborhood, but feel the quiet of my neighborhood would be disrupted.

Thank you,
Regina Spanos

I oppose the day care center proposed for Sherwood Rd.
Barbara J. Hermann
6516 Beechwood Rd.
377-2892

Dotty Biser
1100 Overbrook Rd
21239

Carolyn Cecil
6609 Sherwood
21239

M. KOLOBIELSKI
6710 Sherwood Rd.
21239

Gwen - 1/6 10:28
Call -
Caroline Cecil
377-2980

Re: Special Hearing
@ 11:00 today is cancelled
(Day Care Ctr
Sherwood Rd)
Please call her to let her know
when it will be rescheduled *

Petition against Group Day Care Center Case #95-390-XA June 6, 1995

We the undersigned, who are residents of Idleywilde, do hereby protest the proposed zoning exception (case #95-390-XA) at 6401 Sherwood Road for a 40 children day care center. We believe that it would commercialize our residential neighborhood and are against any such commercialization.

Therefore, we hereby request that the Idleywilde Community Association make our position known to the zoning board and send a designated representative to the scheduled hearing to advocate same.

NAME	ADDRESS	PHONE
Dotty Biser	1100 Overbrook Rd	Bk 7 21239 377-2502
Carolyn Cecil	6609 Sherwood Rd	21239 377-4645
Barbara J. Hermann	6516 Beechwood Rd	21239 377-2892
Nancy Arnold	6402 Sherwood Rd	21239 377-9749
Tony Bismuth	6403 Sherwood Rd	21239 377-2841
Jo Forest	6404 Sherwood Rd	21239 377-7413
Barbara Biser	6401 Sherwood Rd	21239 377-4567
Molly Begun	6401 Sherwood Rd	21239 377-5640
Robert A. Gaud	1019 Overbrook Rd	Baltimore, MD 21239 377-4076
Carolyn Cecil	6609 Sherwood Rd	Baltimore, MD 21239 377-6259
Quincy Curren	6505 Sherwood Rd	Baltimore, MD 21239 377-5773

159 Signatures
163

number of signatures this page: 11

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas Sausser	6401 Sherwood Rd 21239
Ann Horsey	822 Greenspring Dr 21093
Jeff Morgan, Sr	507 Cranleigh Rd. 21117
FRED THOMPSON	1641 25th St. 21218
Daniel K. Glick	418 210 Cramer Ave. Baltimore, MD 21214

NIGP
MEMBER

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Beth Chelf	253 Beverly Rd
Martha J. Masters	6504 Beechwood 21239
CHARLES H. MASTERS	6504 BEECHWOOD RD 21239
Kim Stroup	6501 Beechwood Rd 21239
Susan Gaultney	6412 Sherwood Rd 21239
Darlene Glawdemans	509 Regester Ave 21239
Jeanne Stiles	6501 Beechwood Rd 21239
Laura Blum	217 Overbrook Rd 21239
Dawn Converse	6404 Crestwood Rd 21239
CHIRANTAN MUKHOPADHYAY	729 Regester Avenue 21212
Rosamary Mukhopadhyay	739 Regester Avenue 21212
Rex Staley & Nicholas	747 Annapolis Road 21212
Connie Henning	633 Sussex Rd. 21286
Nancy Lidard	6517 Beverly Rd 21239
Lori Lane	909 Arran Rd 21239
Beth Andresini	903 Overbrook Rd 21239
Debra Sorendes	6501 Beverly Rd 21239
MARY E. SCHUMACHER	6511 BEVERLY RD 21239
HARRY C. SCHUMACHER	6511 BEVERLY RD 21239
Chaei Krohn	6504 BALEY RD 21239
Lisa Glawdemans	6505 Beverly Rd 21239
Stewart Weldon	6507 Sherwood Rd 21239
Joan Webber	6519 BEVERLY RD 21239
TOM WEBB	" "
DEBRA WEBB	" "
Quentin Miles	707 ANAN RD 21239

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
JOHN KEENAN President ICA	1129 Overbrook Rd 21239
MARIA KOLOBIELSKI	6710 SHERWOOD RD, 21239
DONALD HART	806 OVERBROOK RD. 21239
Evelyn McDoffler	6410 Sherwood Rd 21239
Beth Jacob	6515 Maplewood Rd
Sharon Johnson	6506 Maplewood Rd
Lewellyn E. Jones	909 Regester Ave.
Rebel Harding	905 Regester Ave.
Paige Lynn Callagary	1007 Arran Rd 21239
Kimberly W. Stearns	916 Regester Ave. 21239
JEANNE CARPENTER	6501 Sherwood Rd 21239
William L. Cockey	906 Beechwood Rd 21239
Nige Callum	6406 SHERWOOD RD
STEVEN H. PEARY	1016 REGESTER AVE 21239
ROBERT C. CUMMER	901 Arran Rd. 21239
JOANNE M. LANE	911 Arran Rd 21239
Robin Wolford	905 Arran Rd
Linda Gressack	6517 Sherwood Rd 21239
ROBERT E. WILLIAMS, JR.	806 REGESTER AVE 21239
John A. Jakubowski, Sr.	916 Overbrook Rd 21239
MORIS J. JAKUBOWSKI	916 Overbrook Rd 21239
PATRICIA F. JAKUBOWSKI	806 REGESTER AVE 21239
SAURA L. ZOLL	6517 BARKLEY RD 21239
JOAN L. WHITEHOUSE	6422 SHERWOOD RD 21239
Dorothy M. Swann	509 Regester Ave. 21239

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

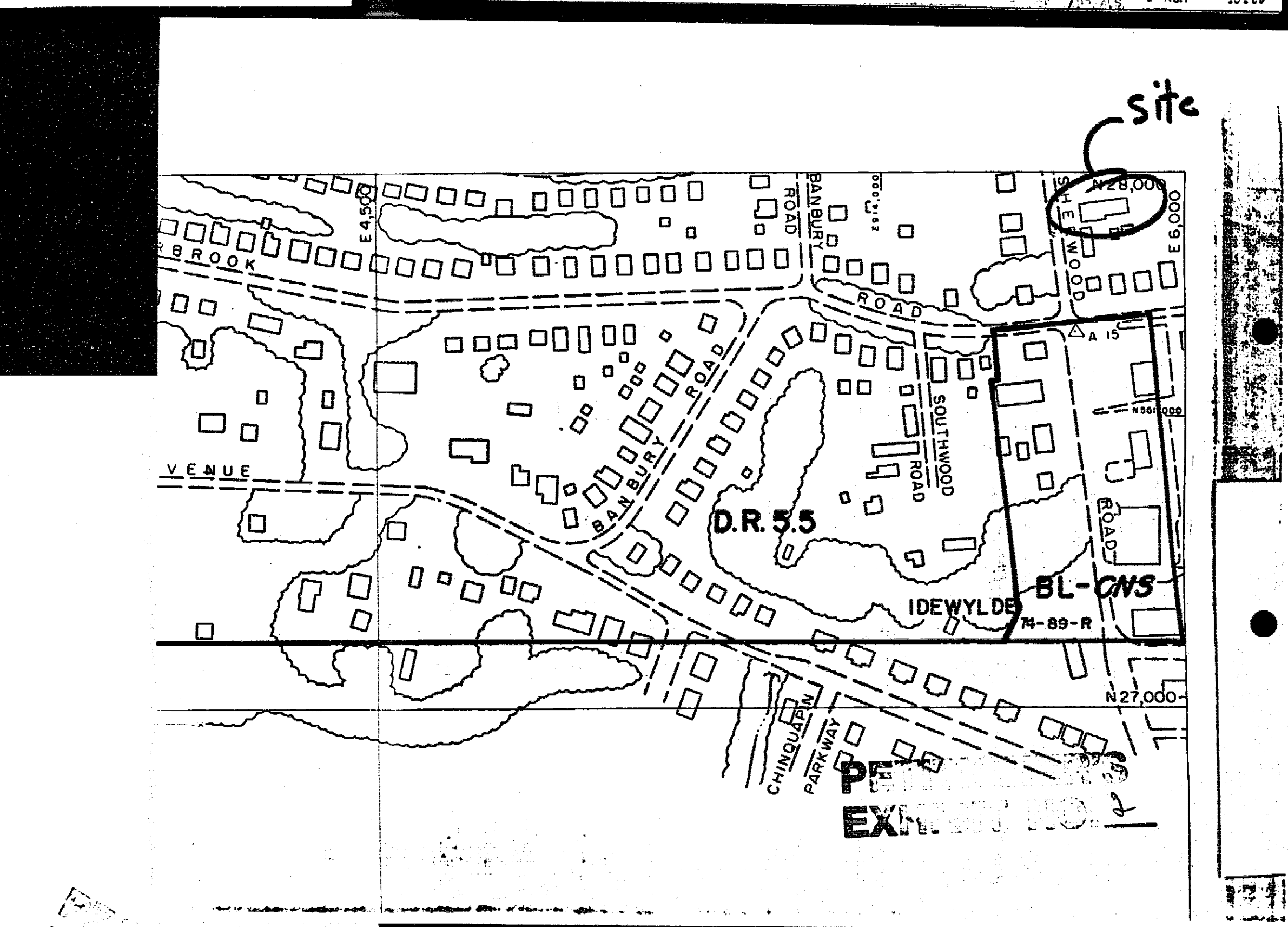
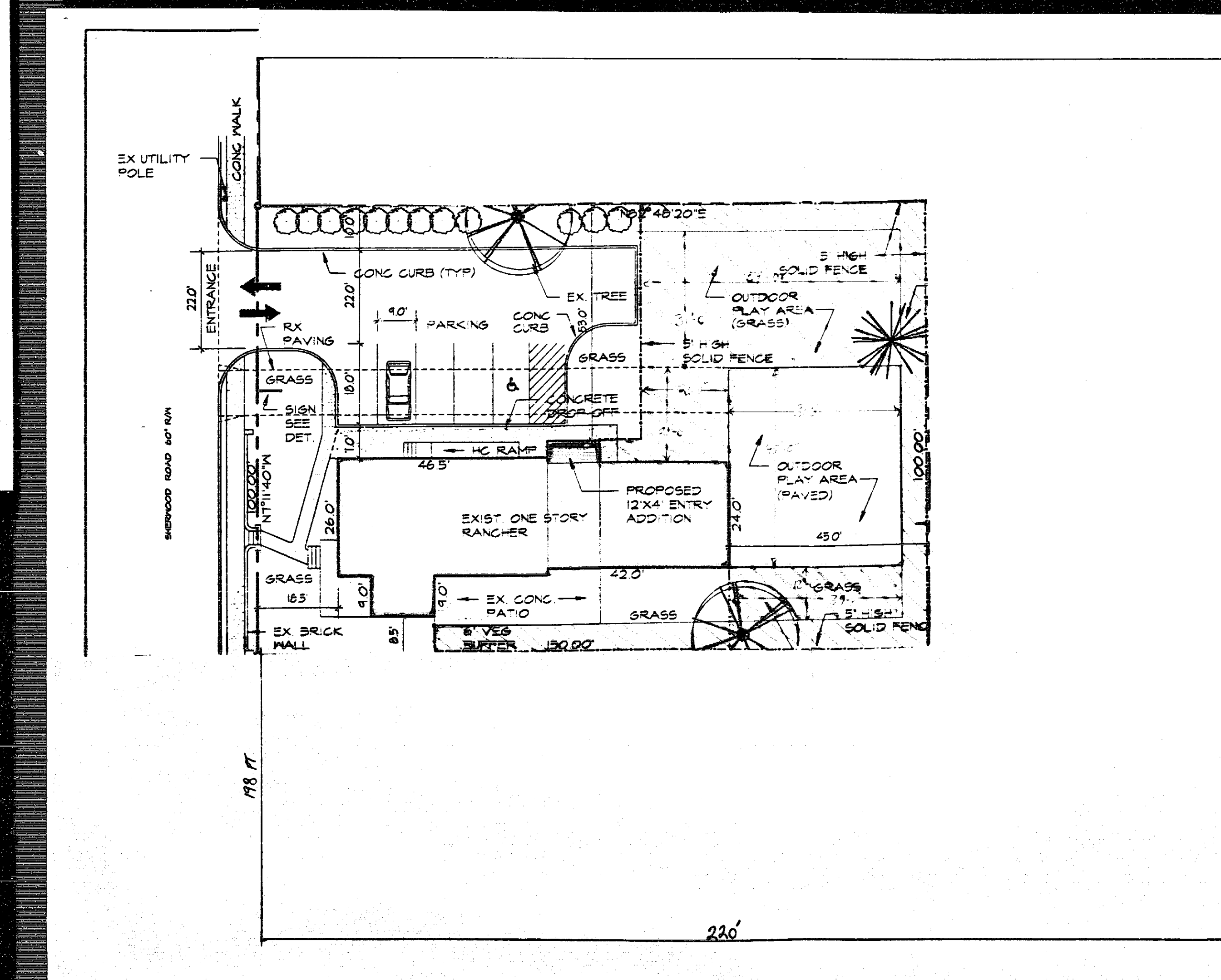
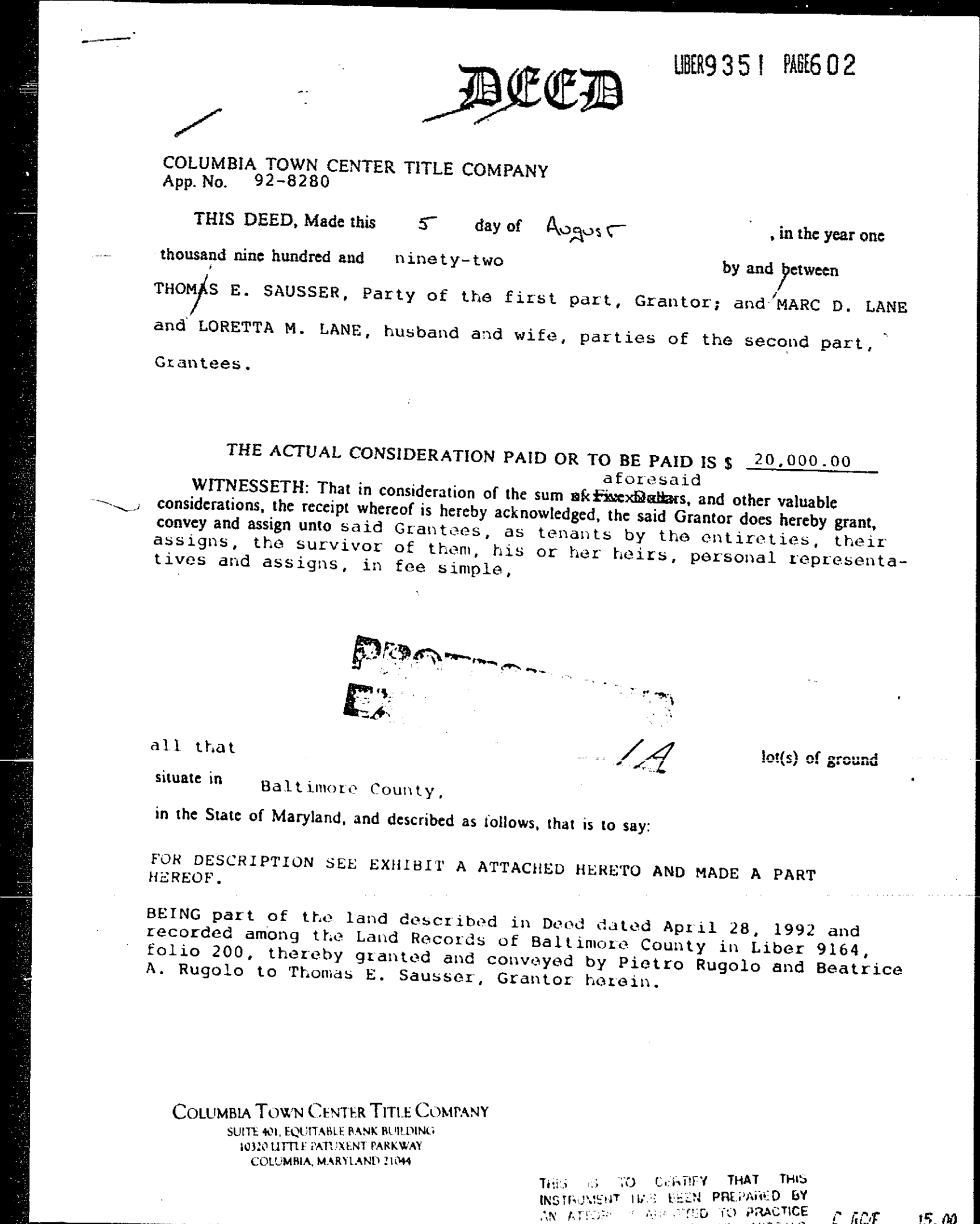
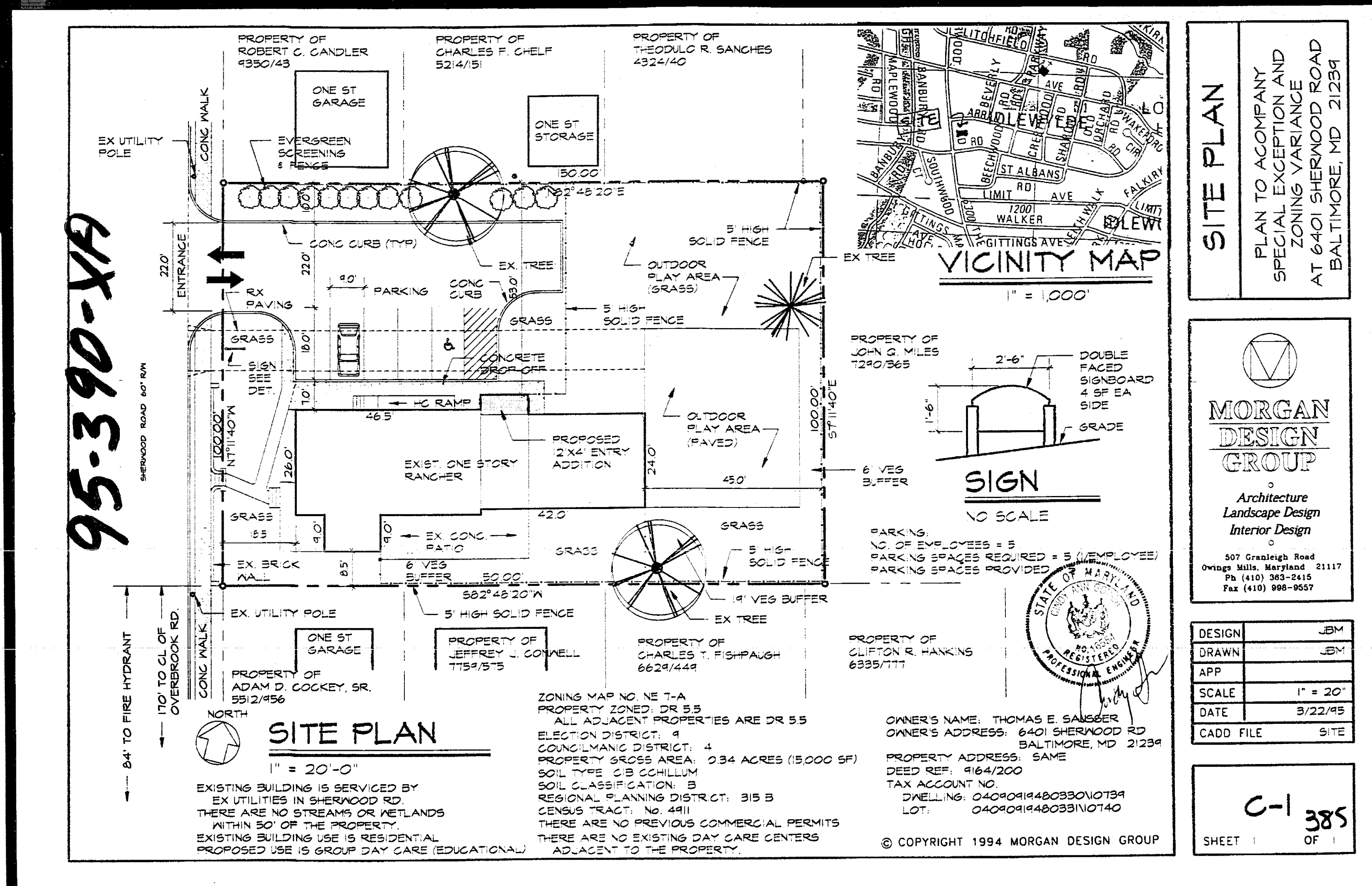
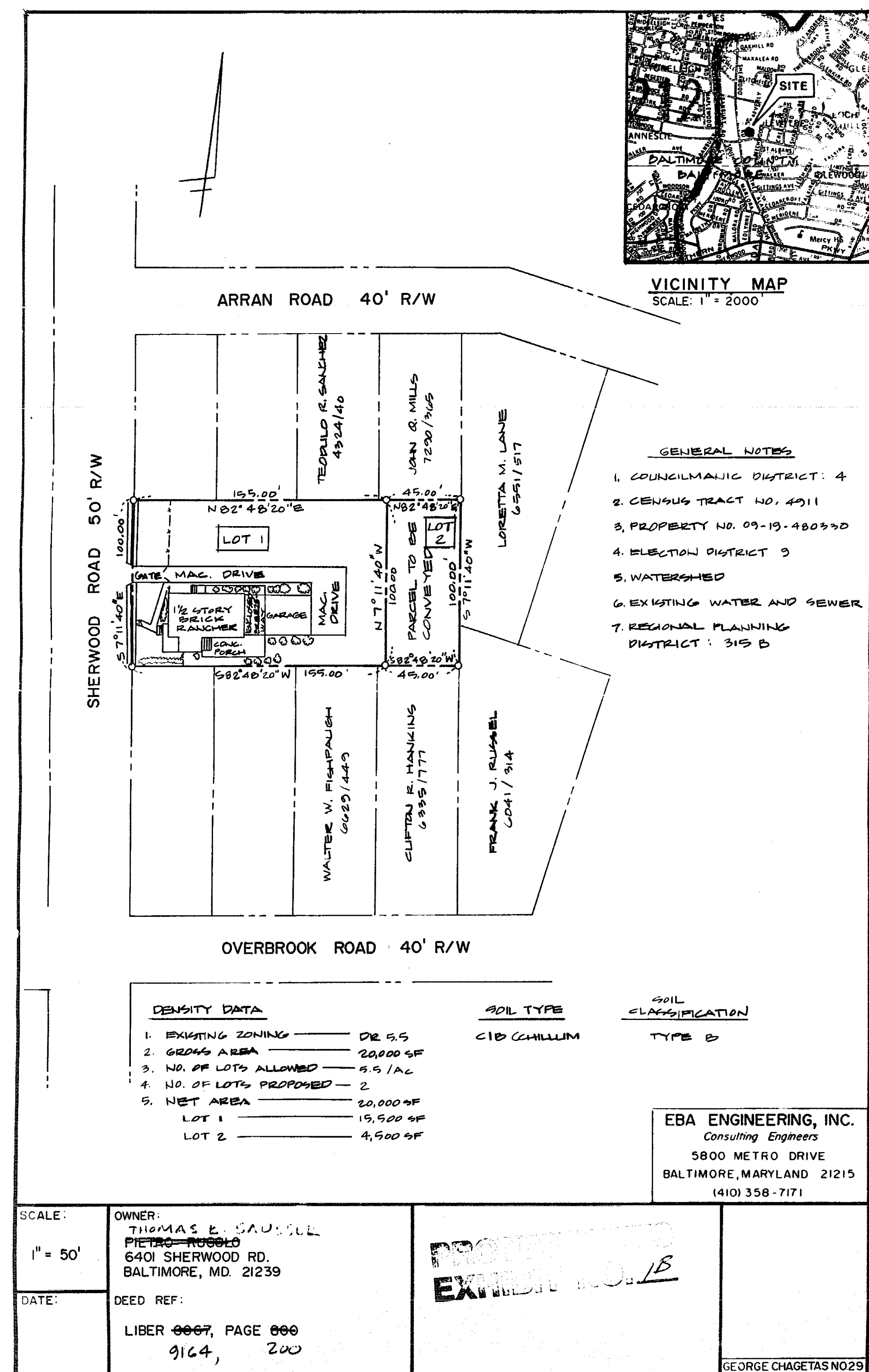
NAME	ADDRESS
WILLIAM JAMES STOCKDALE	925 ARRAN ROAD 21239
W. Lee Steelwage	6502 Beverly Rd 21239
WARREN L. DORFLEN	6410 SHERWOOD RD, 21239

ZONING COMMISSIONER - WITNESS FORM

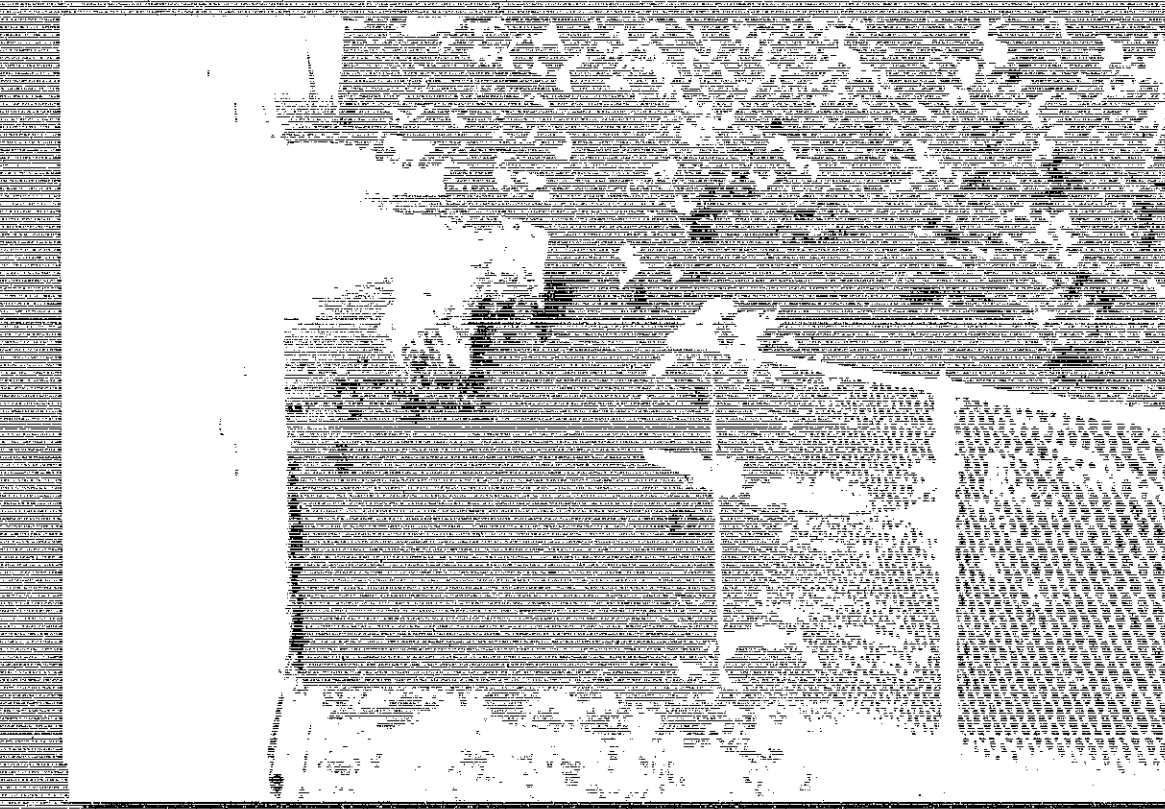
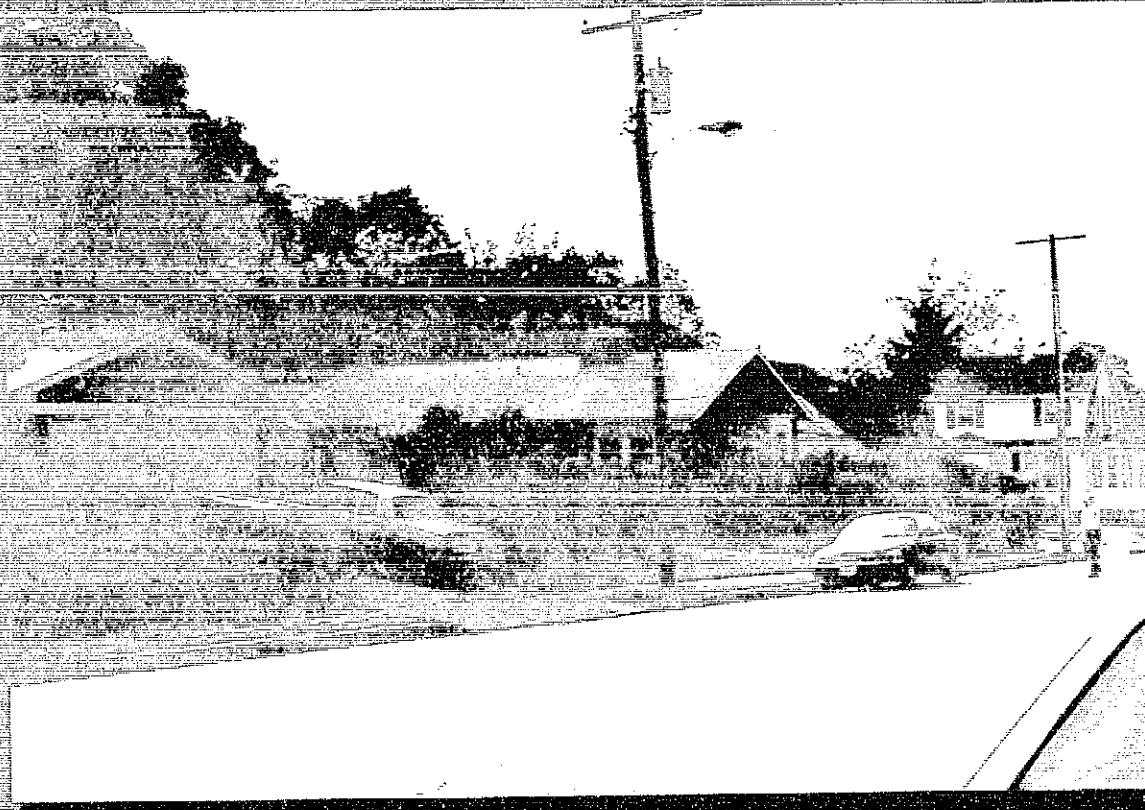
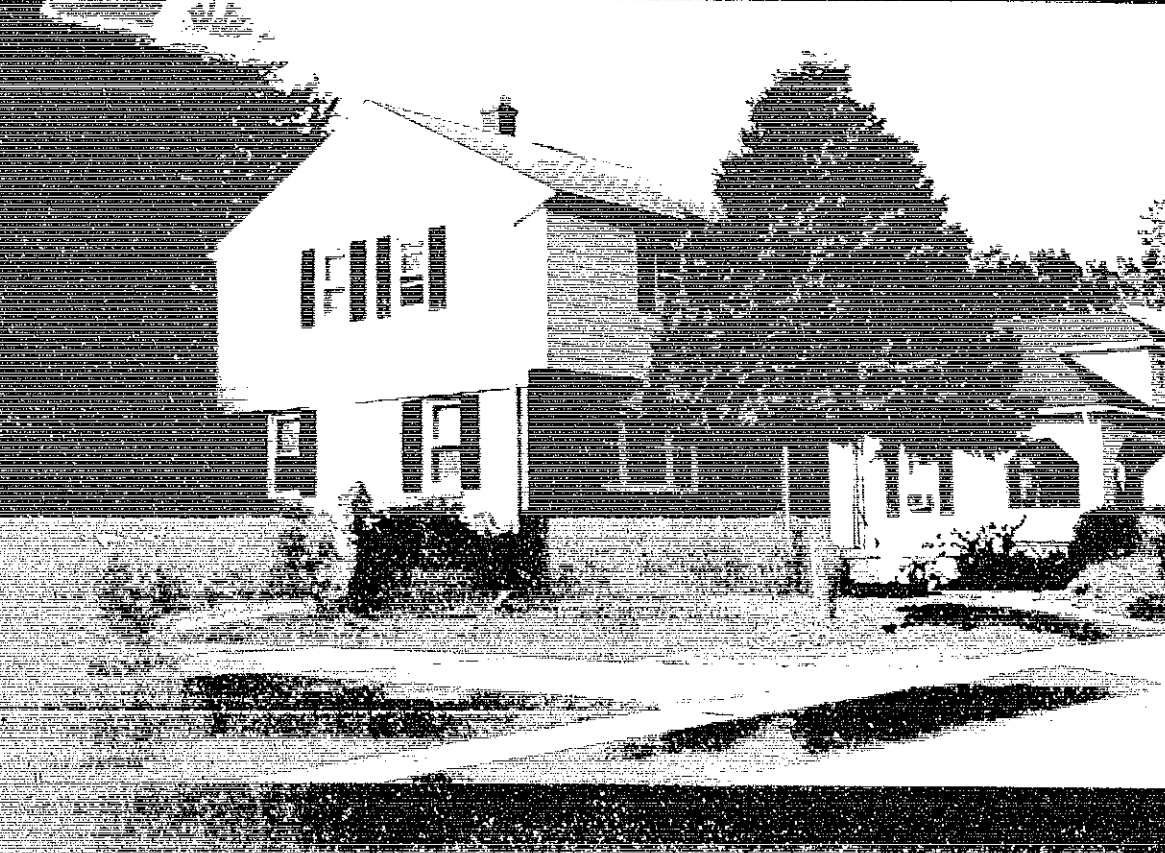
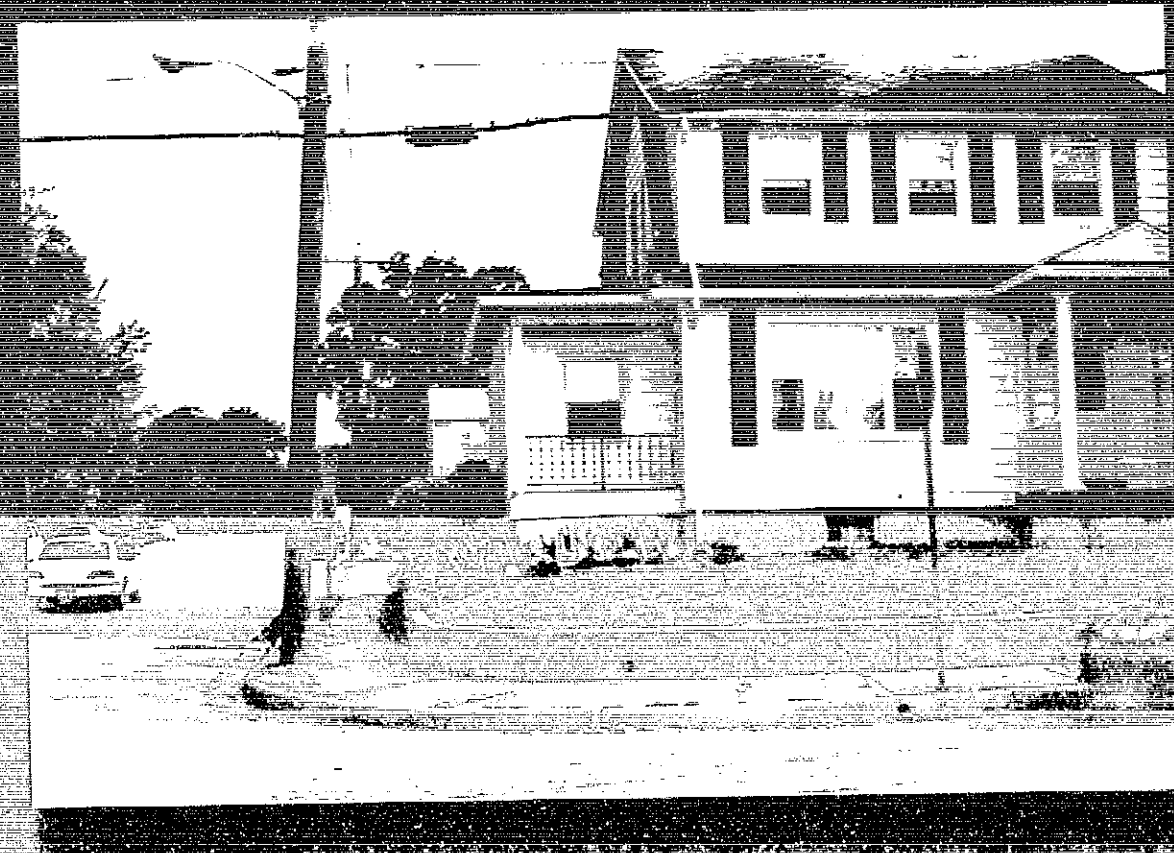
NAME: _____
ADDRESS: _____
COMPANY: _____
ADDRESS: _____

REPRESENTING: _____
SUPPORTING: PETITIONER 1 PROTESTANT _____

TESTIMONY: _____
No 1 - Site plan
No 2 - zoning map
#1A - Read
1B - Survey
2A - Photo of
2B - Corner of Arran
& Sherwood
2C - House on Arran
2D - Neighborhood
2E - Pictures
2F - Pictures
2G - modified site plan
2H - list of all residents
2I - Photos



Protestants
Exhibits
2A - 2H 4
5A - 5F
Case
93-246-XA



Scale 1"=100 ft. Feb. 1924.

